To amend the Immigration and Nationality Act and other Act to provide for true enforcement and border security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2005

Mr. HUNTER (for himself, Mr. GOODE, Mr. DAVIS of Kentucky, Mr. ISSA, Mr. BILIRAKIS, Mr. ROYCE, Mr. FORBES, Mr. DEAL of Georgia, Mr. CALVERT, Mr. HAYWORTH, Mr. TANCREDO, Mr. CUNNINGHAM, Mr. NORWOOD, Mr. SULLIVAN, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Ms. FOXX, Mr. MARCHANT, Mr. GARY G. MILLER of California, Mr. CULBERSON, Mr. WALDEN of Oregon, Mr. KUHL of New York, and Mr. TAYLOR of North Carolina) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Immigration and Nationality Act and other Act to provide for true enforcement and border security, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “TRUE Enforcement and Border Security Act of 2005”.

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(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Severability.

TITLE I—SOUTHWEST BORDER SECURITY

Sec. 101. Construction of fencing and security improvements in border area from Pacific Ocean to Gulf of Mexico.
Sec. 102. Border patrol agents.
Sec. 103. Increased availability of Department of Defense equipment to assist with surveillance of southern international land border of the United States.
Sec. 104. Ports of entry.
Sec. 105. Authorization of appropriations.

TITLE II—FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT

Subtitle A—Additional Federal Resources

Sec. 201. Necessary assets for controlling United States borders.
Sec. 203. Additional worksite enforcement and fraud detection agents.
Sec. 204. Document fraud detection.

Subtitle B—Maintaining Accurate Enforcement Data on Aliens

Sec. 211. Entry-exit system.
Sec. 212. Alien registration.
Sec. 213. State and local law enforcement provision of information regarding aliens.
Sec. 214. Listing of immigration violators in the national crime information center database.

Subtitle C—Detention of Aliens and Reimbursement of Costs

Sec. 221. Increase of Federal detention space and the utilization of facilities identified for closures as a result of the Defense Base Closure Realignment Act of 1990.
Sec. 222. Federal custody of illegal aliens apprehended by State or local law enforcement.
Sec. 223. Institutional Removal Program.

Subtitle D—State, Local, and Tribal Enforcement of Immigration Laws

Sec. 231. Congressional affirmation of immigration law enforcement authority by States and political subdivisions of States.
Sec. 232. Immigration law enforcement training of State and local law enforcement personnel.
Sec. 234. Reducing illegal immigration and alien smuggling on tribal lands.
Sec. 235. Immunity.

Subtitle E—Additional Provisions
Sec. 241. No preferential treatment of aliens not lawfully present for public benefits.
Sec. 242. Authorized appropriations.

TITLE III—VISA REFORM AND ALIEN STATUS

Subtitle A—Limitations on Visa Issuance, Validity Due to Abuse, and Suspension of the Visa Waiver Program

Sec. 301. Curtailment of visas for countries denying or delaying repatriation of nationals.
Sec. 302. Cancellation of visas.
Sec. 303. No judicial review of visa revocation.
Sec. 304. Suspension of visa waiver program.
Sec. 305. Elimination of diversity immigrant program.
Sec. 306. Extended family preference categories.
Sec. 307. Sponsorship levels.

Subtitle B—Visa Term Compliance Bonds

Sec. 311. Definition and issuance of visa term compliance bonds.
Sec. 312. Release of aliens in removal proceedings.
Sec. 313. Detention of aliens delivered by bondsmen.

Subtitle C—Adjustment of Alien Status

Sec. 321. Adjustment of status for certain aliens.
Sec. 322. Expansion of naturalization requirement to certain nonimmigrant aliens.
Sec. 323. Temporary protected status.
Sec. 324. Completion of background and security checks.
Sec. 325. Denial of benefits to terrorists and criminals.
Sec. 326. Repeal of section 245(i).
Sec. 327. Authorized appropriations.

TITLE IV—WORKPLACE ENFORCEMENT AND IDENTIFICATION INTEGRITY

Subtitle A—In General

Sec. 401. Short title.
Sec. 402. Congressional findings.
Sec. 403. Effective dates; implementation.

Subtitle B—Reform of the Work Eligibility Verification System

Sec. 411. Basic pilot program renamed interim work eligibility verification program; verification requirement for independent contractors.
Sec. 412. Work Eligibility Verification System.
Sec. 413. Protection for United States workers and individuals reporting immigration law violations.
Sec. 414. Inadmissibility for failure to present documentation of work eligibility.

Subtitle C—Work Eligibility Verification Reform in the Social Security Administration

Sec. 421. Alien work eligibility database.
Sec. 422. Anti-fraud measures for social security cards.
Sec. 423. Notification by commissioner of failure to correct social security information.
Sec. 424. Restriction on access and use; no national identification card.
Sec. 425. Sharing of information with the commissioner of Internal Revenue Service.
Sec. 426. Sharing of information with the Secretary of Homeland Security.

Subtitle D—Work Eligibility Verification System Reform in the Internal Revenue Agency

Sec. 431. Sharing of information with the Secretary of Homeland Security and the Commissioner of Social Security.
Sec. 432. Ineligibility for nonresident alien tax status.
Sec. 433. Unlawful use of individual taxpayer identification numbers.
Sec. 434. No deduction allowed for compensation paid to unauthorized workers.

Subtitle E—Identification Document Integrity

Sec. 441. Consular identification documents.
Sec. 442. Machine-readable tamper-resistant immigration documents.
Sec. 443. Birth certificates.

Subtitle F—Limitations on Illegal Alien Collection of Social Security

Sec. 451. Exclusion of unauthorized employment from employment upon which creditable wages may be based.
Sec. 452. Exclusion of unauthorized functions and services from trade or business from which creditable self-employment income may be derived.
Sec. 453. Effective date.
Sec. 454. Authorized appropriations.

TITLE V—PENALTIES AND ENFORCEMENT

Subtitle A—Criminal and Civil Penalties

Sec. 501. Criminal penalties for alien smuggling.
Sec. 502. Strengthened enforcement of alien registration laws.
Sec. 503. Criminal and civil penalties for entry of aliens at improper time or place, avoidance of examination or inspection, unlawful presence and misrepresentation or concealment of facts.
Sec. 504. Civil and criminal penalties for aliens unlawfully present in the United States.
Sec. 505. Increased penalties for reentry of removed aliens.
Sec. 506. Civil and criminal penalties for document fraud, benefit fraud, and false claims of citizenship.
Sec. 507. Rendering inadmissible and deportable aliens participating in criminal street gangs.
Sec. 508. Mandatory detention of suspected criminal street gang members.
Sec. 509. Ineligibility from protection from removal and asylum.
Sec. 510. Penalties for misusing social security numbers or filing false information with Social Security Administration.

Subtitle B—Detention, Removal and Departure

Sec. 511. Voluntary departure.
Sec. 512. Expedited exclusion.
Sec. 513. Expedited removal of criminal aliens.
Sec. 514. Reinstatement of previous removal orders.
Sec. 515. Cancellation of removal.
Sec. 516. Detention of dangerous aliens.
Sec. 517. Alternatives to detention.
Sec. 518. Release of aliens from noncontiguous countries.
Sec. 519. Continuances; changes of venue.
Sec. 520. Authorization of appropriations.

1 SEC. 2. SEVERABILITY.

If any provision of this Act, including any amendment made by this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

8 TITLE I—SOUTHWEST BORDER SECURITY

10 SEC. 101. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) in the heading by striking “Near San Diego, California”;

(2) by amending paragraph (1) to read as follows:

“(1) Security features.—

“(A) Reinforced fencing.—
“(i) IN GENERAL.—In carrying out subsection (a), the Secretary of Homeland Security shall provide for—

“(I) the construction along the southern international land border of the United States, starting at the Pacific Ocean and extending eastward to the Gulf of Mexico, of at least 2 layers of reinforced fencing; and

“(II) the installation of such additional physical barriers, roads, lighting, and sensors along such border as may be necessary to eliminate illegal crossings along such border.

“(ii) PRIORITY AREAS.—With respect to the border described in clause (i), the Secretary shall ensure that initial fence construction occurs in high traffic and smuggling areas along such border.

“(iii) CONSULTATION.—Before installing any fencing or other physical barriers, roads, lighting, or sensors under clause (i) on land transferred by the Secretary of Defense under subparagraph (B), the Secretary shall consult with the Secretary of
Defense for purposes of mitigating or limiting the impact of the fencing, barriers, roads, lighting, and sensors on military training and operations.

“(B) BORDER ZONE CREATION AND ACQUISITION.—

“(i) IN GENERAL.—In carrying out subsection (a), the Secretary of Homeland Security shall create and control a border zone, along the international land border described in subparagraph (A), subject to the following conditions:

“(I) SIZE.—The border zone shall consist of the United States land area within 100 yards of the international land border described in subparagraph (A), except that with respect to areas of the border zone that are contained within an organized subdivision of a State or local government, the Secretary may adjust the area included in the border zone to accommodate existing public and private structures.
“(II) Treatment of Federal Land.—Not later than 30 days after the date of the enactment of the Southwest Border Security Act, the head of each Federal agency having jurisdiction over Federal land included in the border zone shall transfer such land, without reimbursement, to the administrative jurisdiction of the Secretary of Homeland Security.

“(III) Treatment of Indian Lands.—With respect to Indian lands included within the border zone, the Secretary shall obtain, through agreement, donation, purchase, or condemnation, the rights, titles, or interests in such real property that are sufficient to provide for the construction of the security features described in subparagraph (A)(i) and access to the border zone as may be necessary to deter illegal crossings into the United States. In this subclause, the terms ‘Indian lands’ and ‘Indian tribe’ shall have the meaning given such
terms in section 2103 of the Revised

“(ii) PROPERTY REVIEW AND ACQUISI-
TION.—

“(I) PROPERTY REVIEW.—The
Secretary shall conduct a comprehen-
sive review and value assessment of all
property in the border zone owned by
private parties, States, and local gov-
ernments.

“(II) COMPLETION OF RE-
VIEW.—The Secretary shall complete
the review required by subclause (I)—

“(aa) not later than 180
days after the date of the enact-
ment of the Southwest Border
Security Act, in the case of pri-
ority areas identified by subpara-
graph (A)(ii); and

“(bb) not later than 360
days after the date of the enact-
ment of the Southwest Border
Security Act in the case of other
land in the border zone.
'(III) Acquisition.—As soon as practicable after the date of the enactment of the Southwest Border Security Act, the Secretary shall commence proceedings for the acquisition of the rights, titles, or interest in such real property covered by the review described in subclause (I) in accordance with section 103(b) of the Immigration and Nationality Act (8 U.S.C. 1103(b)), and that are sufficient to provide for the construction of the security features described in subparagraph (A)(i) and access to the border zone as may be necessary to deter illegal crossings into the United States.

‘‘(iii) Other Uses.—The Secretary may authorize the use of land included in the border zone for other purposes so long as such use does not impede the operation or effectiveness of the security features in stalled under subparagraph (A)(i) or the ability of the Secretary to carry out subsection (a).’’; and
(3) by striking “Attorney General” and inserting “Secretary of Homeland Security” each place it appears.

SEC. 102. BORDER PATROL AGENTS.

Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended—

(1) by striking “2010” and inserting “2011” each place it appears; and

(2) by striking “2,000” and inserting “3,000”.

SEC. 103. INCREASED AVAILABILITY OF DEPARTMENT OF DEFENSE EQUIPMENT TO ASSIST WITH SURVEILLANCE OF SOUTHERN INTERNATIONAL LAND BORDER OF THE UNITED STATES.

(a) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary of Defense and the Secretary of Homeland Security shall develop and implement a plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with Department of Homeland Security surveillance activities conducted at or near the southern international land border of the United States.
(b) Report.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall submit to Congress a report containing—

(1) a description of the current use of Department of Defense equipment to assist with Department of Homeland Security surveillance of the southern international land border of the United States;

(2) the plan developed under subsection (a) to increase the use of Department of Defense equipment to assist with such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by Department of Defense under such plan during the one-year period beginning after submission of the report.

Sec. 104. Ports of Entry.

(a) In General.—The Secretary of Homeland Security is authorized to construct an additional 25 ports of entry along the international land border of the United States, at locations to be determined by the Secretary.

(b) Authorization of Appropriations.—For purposes of carrying out subsection (a), there are authorized to be appropriated $125,000,000.
SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out sections 102 and 103, and the amendments made by such sections, $5,000,000,000.

(b) CONFORMING AMENDMENT.—Section 102(b)(4) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is repealed.

TITLE II—FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT
Subtitle A—Additional Federal Resources

SEC. 201. NECESSARY ASSETS FOR CONTROLLING UNITED STATES BORDERS.

(a) PERSONNEL.—

(1) CUSTOMS AND BORDER PROTECTION OFFICERS.—In each of the fiscal years 2007 through 2011, the Secretary of Homeland Security shall increase by not less than 250 the number of positions for full-time active duty Customs and Border Protection officers.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) CUSTOMS AND BORDER PROTECTION OFFICERS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out paragraph (1).
(B) TRANSPORTATION OF ALIENS.—There are authorized to be appropriated $25,000,000 for each of fiscal years 2007 through 2011 for the transportation of aliens.

(b) TECHNOLOGICAL ASSETS.—

(1) ACQUISITION.—The Secretary of Homeland Security shall procure unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000,000 for each of fiscal years 2007 through 2011 to carry out paragraph (1).

(c) BORDER PATROL CHECKPOINTS.—Temporary or permanent checkpoints may be maintained on roadways in border patrol sectors close to the border between the United States and Mexico.

SEC. 202. ADDITIONAL IMMIGRATION PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) INVESTIGATIVE PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, for each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to
the availability of appropriations for such purpose, 
increase by not less than 200 the number of posi-
tions for investigative personnel within the Depart-
ment of Homeland Security investigating alien 
smuggling and immigration status violations above 
the number of such positions for which funds were 
made available during the preceding fiscal year.

(2) TRIAL ATTORNEYS.—In each of fiscal years
2007 through 2011, the Secretary of Homeland Se-
curity shall, subject to the availability of appropri-
tions for such purpose, increase the number of posi-
tions for attorneys in the Office of General Counsel 
of the Department of Homeland Security who rep-
resent the Department in immigration matters by 
not less than 100 above the number of such posi-
tions for which funds were made available during 
each preceding fiscal year.

(3) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to the De-
partment of Homeland Security for each of fiscal 
years 2007 through 2011 such sums as may be nec-
essary to carry out this subsection.

(b) DEPARTMENT OF JUSTICE.—

(1) ASSISTANT ATTORNEY GENERAL FOR IMMI-
GRATION ENFORCEMENT.—
(A) Establishment.—There is established within the Department of Justice the position of Assistant Attorney General for Immigration Enforcement. The Assistant Attorney General shall coordinate and prioritize immigration litigation and enforcement in the Federal courts, including—

(i) removal and deportation;

(ii) employer sanctions; and

(iii) alien smuggling and human trafficking.

(B) Conforming Amendment.—Section 506 of title 28, United States Code, is amended by striking “ten” and inserting “11”.

(2) Litigation Attorneys.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice above the number of such positions for which funds were made available during the preceding fiscal year.

(3) United States Attorneys.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropria-
tions for such purpose, increase by not less than 50
the number of attorneys in the United States Attor-
neys’ office to litigate immigration cases in the Fed-
eral courts above the number of such positions for
which funds were made available during the pre-
ceeding fiscal year.

(4) IMMIGRATION JUDGES.—In each of fiscal
years 2007 through 2011, the Attorney General
shall, subject to the availability of appropriations for
such purpose, increase by not less than 50 the num-
ber of immigration judges above the number of such
positions for which funds were made available during
the preceding fiscal year.

(5) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to the De-
partment of Justice for each of fiscal years 2007
through 2011 such sums as may be necessary to
carry out this subsection, including the hiring of
necessary support staff.

SEC. 203. ADDITIONAL WORKSITE ENFORCEMENT AND
FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary of
Homeland Security shall, subject to the availability of ap-
propriations for such purpose, annually increase, by not
less than 2,000, the number of positions for investigators
dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a) during the 5-year period beginning on October 1, 2006.

(b) Fraud Detection.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for Immigration Enforcement Agents dedicated to immigration fraud detection during the 5-year period beginning on October 1, 2006.

c) Authorization of Appropriations.—There are authorized to be appropriated during each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 204. DOCUMENT FRAUD DETECTION.

(a) Training.—The Secretary of Homeland Security shall provide all customs and border protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the Forensic Document Laboratory of the Immigration and Customs Enforcement.

(b) Forensic Document Laboratory.—The Secretary of Homeland Security shall provide all customs and border protection officers with access to the Forensic Document Laboratory.
(c) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2007 through 2011 to carry out this section.

Subtitle B—Maintaining Accurate Enforcement Data on Aliens

SEC. 211. ENTRY-EXIT SYSTEM.

(a) Integrated Entry and Exit Data System.—Section 110(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(b)(1)) is amended to read as follows:

“(1) provides access to, and integrates, arrival and departure data of all aliens who arrive and depart at ports of entry, in an electronic format and in a database of the Department of Homeland Security or the Department of State (including those created or used at ports of entry and at consular offices);”.

(b) Construction.—Section 110(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(c)) is amended to read as follows:

“(c) Construction.—Nothing in this section shall be construed to reduce or curtail any authority of the Secretary of Homeland Security or the Secretary of State under any other provision of law.”.
(c) DEADLINES.—Section 110(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(d)) is amended—

(1) in paragraph (1), by striking “December 31, 2003” and inserting “October 1, 2006”;

(2) by amending paragraph (2) to read as follows:

“(2) LAND BORDER PORTS OF ENTRY.—Not later than October 1, 2006, the Secretary of Homeland Security shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at all land border ports of entry. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other land border ports of entry.”; and

(3) by striking paragraph (3).

(d) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—Section 110(f)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C.
1365a(f)(1)) is amended by adding at the end the following:

“The Secretary of Homeland Security shall ensure that any officer or employee of the Department of Homeland Security or the Department of State having need to access the data contained in the integrated entry and exit data system for any lawful purpose under the Immigration and Nationality Act has such access, including access for purposes of representation of the Department of Homeland Security in removal proceedings under section 240 of such Act and adjudication of applications for benefits under such Act.”.

(e) WAIVER AVAILABLE.—If the President determines in writing, with respect to a fiscal or calendar year, that a waiver of one or more of the amendments made by this section is desirable and would not threaten the national security of the United States, the President may waive the effectiveness of such amendment or amendments with respect to such year.

SEC. 212. ALIEN REGISTRATION.

(a) IN GENERAL.—Section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) is amended to read as follows:

“REGISTRATION OF ALIENS IN THE UNITED STATES

“Sec. 262. (a) INITIAL REGISTRATION.—
“(1) IN GENERAL.—It shall be the duty of every alien now or hereafter in the United States, who (1) is fourteen years of age or older, (2) has not been registered and fingerprinted under section 221(b) of this Act or section 30 or 31 of the Alien Registration Act, 1940, and (3) remains in the United States for thirty days or longer, to apply for registration and to be fingerprinted before the expiration of such thirty days.

“(2) MINORS.—It shall be the duty of every parent or legal guardian of any alien now or hereafter in the United States, who (1) is less than fourteen years of age, (2) has not been registered under section 221(b) of this Act or section 30 or 31 of the Alien Registration Act, 1940, and (3) remains in the United States for thirty days or longer, to apply for the registration of such alien before the expiration of such thirty days. Whenever any alien attains his fourteenth birthday in the United States he shall, within thirty days thereafter, apply in person for registration and to be fingerprinted.

“(b) SUBSEQUENT REGISTRATIONS.—

“(1) PERMANENT RESIDENTS.—In addition to any other registration otherwise required under this Act or any other Act, each alien lawfully admitted
for permanent residence shall annually register with
the Secretary of Homeland Security, regardless of
whether there has been any change in the alien’s ad-
dress. This requirement shall commence on the first
anniversary of the date on which the alien acquired
the status of an alien lawfully admitted for perma-
nent residence that occurs after the date of the en-
actment of this section.

“(2) OTHER ALIENS.—In addition to any other
registration otherwise required under this Act or any
other Act, every alien in the United States, other
than an alien described in paragraph (1), shall reg-
ister with the Secretary of Homeland Security at the
expiration of each 3-month period during which the
alien remains in the United States, regardless of
whether there has been any change in the alien’s ad-
dress. This requirement shall commence on the 90th
day after the alien enters the United States.

“(3) MINORS.—In the case of an alien who is
less than fourteen years of age, a parent or legal
guardian of the alien shall carry out this subsection
on behalf of the alien.

“(e) CHANGE OF ADDRESS.—

“(1) IN GENERAL.—Each alien required to be
registered under this title who is within the United
States shall notify the Secretary of Homeland Secu-

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rity in writing of each change of address and new
address within ten days of the date of such change
and furnish with such notice such additional infor-
mation as the Secretary may require by regulation.

“(2) CERTAIN FOREIGN STATES.—

“(A) IN GENERAL.—The Secretary of
Homeland Security may, in the discretion of the
Secretary, upon ten days notice, require the na-
tives of any one or more foreign states, or any
class or group thereof, who are within the
United States and who are required to be reg-
istered under this title, to notify the Secretary
of their current addresses and furnish such ad-
ditional information as the Secretary may re-
quire.

“(B) NOTICE FOR MINORS.—In the case of
an alien for whom a parent or legal guardian is
required to apply for registration, the notice re-
quired by this section shall be given to such
parent or legal guardian.

“(3) MINORS.—In the case of an alien who is
less than fourteen years of age, a parent or legal
guardian of the alien shall carry out this subsection
on behalf of the alien.
“(d) EXCEPTION.—Subsections (b) and (c) shall not apply to an alien lawfully admitted for permanent residence, and the alien’s spouse and children, if the alien is a member of the Armed Forces of the United States serving on active duty (as defined in section 101(d) of title 10, United States Code).

“(e) FORMS.—The Secretary of Homeland Security shall prepare forms for registrations and change of address notifications required under this section. Such forms shall contain inquiries to obtain the following information:

“(1) Full name and aliases.
“(2) Current address.
“(3) Date of birth.
“(4) Visa category.
“(5) Date of entry into the United States.
“(6) Termination date of authorization to remain in the United States, if any.
“(7) Signature.
“(8) Biometric feature of the alien.
“(9) Any additional information that the Secretary of Homeland Security determines to be necessary.

“(f) INFORMATION TECHNOLOGY SYSTEM.—The Secretary of Homeland Security shall establish and operate an information technology system for the electronic
collection, compilation, and maintenance of the information submitted under this section. Such system shall permit any alien address in the United States that has been registered with the Secretary, and the date of such registration, to be accessed by any officer or employee of the Department of Homeland Security having need for such access for any lawful purpose under the Immigration and Nationality Act.”.

(b) REPEAL.—Section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) is repealed and the table of contents is amended by striking the item relating to such section.

(c) CONFORMING AMENDMENTS.—

(1) REMOVAL FOR FAILURE TO COMPLY.—Section 237(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(A)) is amended by striking “265” and inserting “262”.

(2) REGISTRATION OF SPECIAL GROUPS.—Section 263(b) of such Act (8 U.S.C. 1303(b)) is amended by inserting “(excluding subsection (c) of such section)” after “262”.

(3) FORMS AND PROCEDURE.—Section 264(a) of such Act (8 U.S.C. 1304(a)) is amended by striking “of this title, and the Attorney General is authorized and directed to prepare forms for the reg-
istration and fingerprinting of aliens under section 262 of this title.” and inserting a period.

(4) Penalties.—Section 266 of such Act (8 U.S.C. 1306) is amended by striking “265” each place it appears and inserting “262”.

(d) Report.—Not later than three years after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the implementation of section 262 of the Immigration and Nationality Act, as amended by this section, and the results of such implementation.

(e) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 213. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION REGARDING ALIENS.

(a) Violations of Federal Law.—A statute, policy, or practice that prohibits, or restricts in any manner, a law enforcement or administrative enforcement officer of a State or of a political subdivision therein, from enforcing Federal immigration laws or from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the investigative or enforcement duties of the officer or from providing information to an offi-
cial of the United States Government regarding the immi-
12 gration status of an individual who is believed to be ille-
13 gally present in the United States, is in violation of section
14 642(a) of the Illegal Immigration Reform and Immigrant
15 Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section
16 434 of the Personal Responsibility and Work Opportunity
18
19 (b) STATE AND LOCAL LAW ENFORCEMENT PROVI-
20 SION OF INFORMATION ABOUT APPREHENDED ILLEGAL
21 ALIENS.—
22
23 (1) PROVISION OF INFORMATION.—
24
25 (A) IN GENERAL.—In order to avoid a
26 sanction under paragraph (4), each law enforce-
27 ment agency of a State or of a political subdivi-
28 sion therein shall provide to the Department of
29 Homeland Security the information listed in
30 paragraph (2) for each alien who is 14 years of
31 age or older, who is apprehended in the juris-
32 diction of such agency, and who cannot produce
33 the valid certificate of alien registration or alien
34 registration receipt card described in section
35 264(d) of the Immigration and Nationality Act
36 (8 U.S.C. 1304(d)).
37
38 (B) TIME LIMITATION.—Not later than 15
39 days after an alien described in subparagraph
(A) is apprehended, information required to be
provided under paragraph (1) shall be provided
in such form and in such manner as the Sec-
retary of Homeland Security may, by regulation
or guideline, require.

(C) EXCEPTION.—The reporting require-
ment in paragraph (A) shall not apply in the
case of any alien determined to be lawfully
present in the United States who is exempt
from the requirement of personal possession of
an alien registration or receipt document in sec-
tion 264(e) of the Immigration and Nationality
Act (8 U.S.C. 1304(e)).

(2) INFORMATION REQUIRED.—The information
listed in this subsection is as follows:

(A) The alien’s name.

(B) The alien’s address or place of resi-
dence.

(C) A physical description of the alien.

(D) The date, time, and location of the en-
counter with the alien and reason for stopping,
detaining, apprehending, or arresting the alien.

(E) If applicable—

(i) the alien’s driver’s license number

and the State of issuance of such license;
(ii) the type of any other identification document issued to the alien, any designation number contained on the identification document, and the issuing entity for the identification document;

(iii) the license number and description of any vehicle registered to, or operated by, the alien; and

(iv) a photo of the alien and the alien's fingerprints, if available or readily obtainable.

(3) REIMBURSEMENT.—The Secretary of Homeland Security shall reimburse such law enforcement agencies for the costs, per a schedule determined by the Secretary, incurred by such agencies in collecting and transmitting the information described in paragraph (2).

(4) SANCTION.—A law enforcement agency of a State or a political subdivision therein that willfully fails to provide the information required under paragraph (2) in accordance with this section shall be ineligible to receive Federal funds otherwise authorized under—

(A) the State Criminal Alien Assistance Program described in section 241(i) of the Im-
migration and Nationality Act (8 U.S.C. 1231(i)); or

(B) under any grant program authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.—

(A) TECHNICAL AMENDMENT.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(i) in subsections (a), (b)(1), and (c), by striking “Immigration and Naturalization Service” each place it appears and inserting “Department of Homeland Security”; and

(ii) in the heading by striking “IMMIGRATION AND NATURALIZATION SERVICE” and inserting “DEPARTMENT OF HOMELAND SECURITY”.

(B) CONFORMING AMENDMENT.—Section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C
of Public Law 104–208; 110 Stat. 3009–546) is amended by striking the item related to section 642 and inserting the following:

“Sec. 642. Communication between government agencies and the Department of Homeland Security.”.

(2) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—

(A) IN GENERAL.—Section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644) is amended—

(i) by striking “Immigration and Naturalization Service” and inserting “Department of Homeland Security”; and

(ii) in the heading by striking “IMMIGRATION AND NATURALIZATION SERVICE” and inserting “DEPARTMENT OF HOMELAND SECURITY”.

(B) CONFORMING AMENDMENT.—Section 2 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1642) (Public Law 104–193; 110 Stat. 2105) is amended by striking the item related to section 434 and inserting the following:

“Sec. 434. Communication between State and local government agencies and the Department of Homeland Security.”.
(d) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out the requirements of this section.

SEC. 214. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) Provision of Information to the National Crime Information Center.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Department of Homeland Security may have in its possession of the Department related to—

(A) any alien against whom a final order of removal has been issued;

(B) any alien who is subject to a voluntary departure agreement that has become invalid under section 240B(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1229c); and

(C) any alien detained by a Federal, State or local law enforcement agency whom a federal immigration officer has confirmed to be unlawfully present in the United States but, in the
exercise of discretion, has been released from 
detention without transfer into the custody of a 
Federal immigration officer.

(2) Removal of Information.—If an indi-
vidual is granted cancellation of removal under sec-
tion 240A of the Immigration and Nationality Act 
(8 U.S.C. 1229b), or granted permission to legally 
enter the United States pursuant to the Immigration 
and Nationality Act after a voluntary departure 
under section 240B of the Immigration Nationality 
Act (8 U.S.C. 1229c), information entered into the 
National Crime Information Center in accordance 
with paragraph (1) of this section shall be promptly 
removed.

(b) Inclusion of Information in the National 
Crime Information Center Database.—Section 
534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the 
end;

(2) by redesignating paragraph (4) as para-
graph (5); and

(3) by inserting after paragraph (3) the fol-
lowing new paragraph:

“(4) acquire, collect, classify, and preserve 
records of violations of the immigration laws of the
United States, regardless of whether the alien has received notice of the violation or the alien has already been removed; and’’.

(c) Permission to Depart Voluntarily.—Section 240b of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(2) in subsection (a)(2)(A), by striking “120” and inserting “30”.

Subtitle C—Detention of Aliens and Reimbursement of Costs


(a) Construction or Acquisition of Detention Facilities.—

(1) In general.—The Secretary of Homeland Security shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a combined total of not less than
200,000 individuals at any time for aliens detained pending removal or a decision on removal of such alien from the United States.

(2) **DETERMINATION OF LOCATION.**—The location of any detention facility built or acquired in accordance with this subsection shall be determined with the concurrence of the Secretary by the senior officer responsible for Detention and Removal Operations in the Department of Homeland Security. The detention facilities shall be located so as to enable the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) **USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.**—In acquiring detention facilities under this subsection, the Secretary of Homeland Security shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—

Section 241(g)(1) of the Immigration and Nationality Act
(8 U.S.C. 1231(g)(1)) is amended by striking “may expend” and inserting “shall expend”.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 222. FEDERAL CUSTODY OF ILLEGAL ALIENS APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.

(a) In General.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following new section:

“TRANSFER OF ILLEGAL ALIENS FROM STATE TO FEDERAL CUSTODY

“Sec. 240D. (a) In General.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an illegal alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

“(1) shall—

“(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Immigration Reform and Immigrant Responsibility Act of 1996, and ex-
peditiously inform the requesting entity whether
such individual is an illegal alien; and
“(B) either—
“(i) not later than 72 hours after the
conclusion of the State charging process or
dismissal process, or if no State charging
or dismissal process is required, not later
than 72 hours after the illegal alien is ap-
prehended, take the illegal alien into the
custody of the Federal Government and in-
carcerate the alien; or
“(ii) request that the relevant State or
local law enforcement agency temporarily
detain or transport the illegal alien to a lo-
dation for transfer to Federal custody; and
“(2) shall designate at least one Federal, State,
or local prison or jail or a private contracted prison
or detention facility within each State as the central
facility for that State to transfer custody of criminal
or illegal aliens to the Department of Homeland Se-
curity.
“(b) REIMBURSEMENT.—
“(1) IN GENERAL.—The Department of Hom-
land Security shall reimburse a State or a political
subdivision of a State for expenses, as verified by
the Secretary of Homeland Security, incurred by the
State or political subdivision in the detention and
transportation of a criminal or illegal alien as de-
scribed in subparagraphs (A) and (B) of subsection
(a)(1).

“(2) COST COMPUTATION.—Compensation pro-
vided for costs incurred under subparagraphs (A)
and (B) of subsection (a)(1) shall be—

“(A) the product of—

“(i) the average daily cost of incarcer-
ation of a prisoner in the relevant State, as
determined by the chief executive officer of
a State (or, as appropriate, a political sub-
division of the State); multiplied by

“(ii) the number of days that the alien
was in the custody of the State or political
subdivision; plus

“(B) the cost of transporting the criminal
or illegal alien from the point of apprehension
or arrest to the location of detention, and if the
location of detention and of custody transfer
are different, to the custody transfer point; plus

“(C) the cost of uncompensated emergency
medical care provided to a detained illegal alien
during the period between the time of trans-
mittal of the request described in subsection (a)
and the time of transfer into Federal custody.

“(c) REQUIREMENT FOR APPROPRIATE SECURITY.—
The Secretary of Homeland Security shall ensure that ille-
gal aliens incarcerated in a Federal facility pursuant to
this subsection are held in facilities which provide an ap-
propriate level of security, and that, where practicable,
aliens detained solely for civil violations of Federal immi-
gration law are separated within a facility or facilities.

“(d) REQUIREMENT FOR SCHEDULE.—In carrying
out this section, the Secretary of Homeland Security shall
establish a regular circuit and schedule for the prompt
transportation of apprehended illegal aliens from the cus-
tody of those States and political subdivisions of States
which routinely submit requests described in subsection
(a) into Federal custody.

“(e) AUTHORITY FOR CONTRACTS.—

“(1) IN GENERAL.—The Secretary of Homeland
Security may enter into contracts or cooperative
agreements with appropriate State and local law en-
forcement and detention agencies to implement this
section.

“(2) DETERMINATION BY SECRETARY.—Prior
to entering into a contract or cooperative agreement
with a State or political subdivision of a State under
paragraph (1), the Secretary shall determine wheth-
er the State, or where appropriate, the political sub-
division in which the agencies are located has in
place any formal or informal policy that violates sec-
tion 642 of the Illegal Immigration Reform and Im-
The Secretary shall not allocate any of the funds
made available under this section to any State or po-
litical subdivision that has in place a policy that vio-
lates such section.

“(f) Illegal Alien Defined.—For purposes of
this section, the term ‘illegal alien’ means an alien who—

“(1) entered the United States without inspec-
tion or at any time or place other than that des-
ignated by the Secretary of Homeland Security;

“(2) was admitted as a nonimmigrant and who,
at the time the alien was taken into custody by the
State or a political subdivision of the State, had
failed to—

“(A) maintain the nonimmigrant status in
which the alien was admitted or to which it was
changed under section 248; or

“(B) comply with the conditions of any
such status;
“(3) was admitted as an immigrant and has subsequently failed to comply with the requirements of that status; or

“(4) failed to depart the United States under a voluntary departure agreement or under a final order of removal.”.

(b) Authorization of Appropriations for the Detention and Transportation to Federal Custody of Aliens Not Lawfully Present.—There is authorized to be appropriated $850,000,000 for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for fiscal year 2007 and each subsequent fiscal year.

SEC. 223. INSTITUTIONAL REMOVAL PROGRAM.

(a) Institutional Removal Program.—

(1) Continuation.—The Secretary of Homeland Security shall continue to operate the Institutional Removal Program or develop and implement any other program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and
(C) remove such aliens from the United
States after the completion of their sentences.

(2) EXPANSION.—the Secretary of Homeland
Security shall extend the institutional removal pro-
gram to all States. Each state should—

(A) cooperate with officials of the Federal
Institutional Removal Program;

(B) expeditiously and systematically iden-
tify criminal aliens in its prison and jail popu-
lations; and

(C) promptly convey the information col-
lected under subparagraph (B) to officials of
the Institutional Removal Program.

(b) IMPLEMENTATION OF COOPERATIVE INSTITU-
TIONAL REMOVAL PROGRAMS.—Section 642 of the Illegal
Immigration Reform and Immigrant Responsibility Act of
1996 (8 U.S.C. 1373) is designated as section 296 of the
Immigration and Nationality Act, and inserted into such
Act after section 295 and is amended by adding at the
end the following:

“(c) AUTHORIZATION FOR DETENTION AFTER COM-
PLETION OF STATE OR LOCAL PRISON SENTENCE.—Law
enforcement officers of a State or political subdivision of
a State are authorized to—
“(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien’s State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

“(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from the Bureau of Immigration and Customs Enforcement can take the alien into custody.

“(d) TECHNOLOGY USAGE.—Technology such as videoconferencing shall be used to the maximum extent practicable in order to make the Institutional Removal Program (IRP) available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

“(e) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit to Congress a report on the participation of States in the Institutional Removal Program and in any other program under subsection (a).
“(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out the Institutional Removal Program—

“(1) $30,000,000 for fiscal year 2007;
“(2) $40,000,000 for fiscal year 2008;
“(3) $50,000,000 for fiscal year 2009;
“(4) $60,000,000 for fiscal year 2010; and
“(5) $70,000,000 for fiscal year 2011.”.

Subtitle D—State, Local, and Tribal Enforcement of Immigration Laws

SEC. 231. CONGRESSIONAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT AUTHORITY BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

Notwithstanding any other provision of law and re-affirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.
SEC. 232. IMMIGRATION LAW ENFORCEMENT TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.

(a) Training Flexibility.—

(1) In general.—The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at the Center for Domestic Preparedness of the Department of Homeland Security, onsite training held at State or local police agencies or facilities, on-line training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses.

(2) On-line Training.—The head of the Distributed Learning Program of the Federal Law Enforcement Training Center shall make training available for State and local law enforcement personnel via the Internet through a secure, encrypted distributed learning system that has all its servers based in the United States.

(3) Federal Personnel Training.—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.
(b) COOPERATIVE ENFORCEMENT PROGRAMS.—The Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1375(g)) with at least one law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

(c) CLARIFICATION.—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer exercising the inherent authority of the officer to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody illegal aliens during the normal course of carrying out the law enforcement duties of the officer.

(d) TECHNICAL AMENDMENT.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

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SEC. 233. COMMUNICATION BETWEEN GOVERNMENT AGEN-
CIES AND THE DEPARTMENT OF HOMELAND
SECURITY.

Section 642 of the Illegal Immigration Reform and
Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is
amended by adding at the end the following new sub-
sections:

“(d) ENFORCEMENT.—

“(1) INELIGIBILITY FOR FEDERAL LAW EN-
FORCEMENT AID.—Upon a determination that any
person, or any Federal, State, or local government
agency or entity, is in violation of subsection (a) or
(b), the Attorney General shall not provide to such
person, agency, or entity any grant amount pursuant
to any law enforcement grant program carried out
by any element of the Department of Justice, includ-
ing the program under section 241(i) of the Immi-
gration and Nationality Act (8 U.S.C. 241(i)), or
pursuant to any grant program authorized under
title I of the Housing and Community Development
Act of 1974 (42 U.S.C. 5301 et seq.), and shall en-
sure that no such grant amounts are provided, di-
rectly or indirectly, to such person, agency, or entity.
In the case of grant amounts that otherwise would
be provided to such person, agency, or entity pursu-
vant to a formula, such amounts shall be reallocated among eligible recipients.

“(2) Violations by government officials.—In any case in which a Federal, State, or local government official is in violation of subsection (a) or (b), the government agency or entity that employs (or, at the time of the violation, employed) the official shall be subject to the sanction described in paragraph (1).

“(3) Duration.—The sanction described in paragraph (1) shall remain in effect until the Secretary of Homeland Security determines that the person, agency, or entity has ceased violating subsections (a) and (b).

“(e) Private Right of Action.—A citizen or national of the United States who is domiciled in a State or in a political subdivision of a State shall have a right of action in the United States district court of the State in which such citizen or national is domiciled to obtain declaratory and injunctive relief to remedy a violation of subsection (a) or (b) by an agency, agent, or official of the State or political subdivision.”.
SEC. 234. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and
identifies grants provided by the Department of Homeland Security for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 235. IMMUNITY.

(a) PERSONAL IMMUNITY.—Notwithstanding any other provision of law, a law enforcement officer of a State, or of a political subdivision of a State, shall be immune, to the same extent as a Federal law enforcement officer, from personal liability arising out of the enforcement of any immigration law. The immunity provided by this subsection shall only apply to an officer of a State, or of a political subdivision of a State, who is acting within the scope of such officer’s official duties.

(b) AGENCY IMMUNITY.—Notwithstanding any other provision of law, a law enforcement agency of a State, or of a political subdivision of a State, shall be immune from any claim for money damages based on Federal, State, or local civil rights law for an incident arising out of the enforcement of any immigration law, except to the extent that the law enforcement officer of such agency, whose ac-
tion the claim involves, committed a violation of Federal, State, or local criminal law in the course of enforcing such immigration law.

Subtitle E—Additional Provisions

SEC. 241. NO PREFERENTIAL TREATMENT OF ALIENS NOT LAWFULLY PRESENT FOR PUBLIC BENEFITS.

(a) Post-Secondary Education Benefits.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended—

(1) in subsection (a), by striking “on the basis of residence within a State (or a political subdivision)”;

(2) by adding at the end the following new subsections:

“(c) Annual Report.—The Office of Civil Rights of the United States Department of Justice shall annually submit to Congress a report on which, if any, post-secondary educational institutions have provided benefits in contravention of this section.

“(d) Limitation on Federal Financial Assistance.—No Federal agency shall provide any grant, reimbursement, or other financial assistance to a post-secondary educational institution determined under subsection (c) to continue to provide benefits in contravention
of this section. Any funds withheld under this subsection shall be reallocated among qualifying educational institutions that are in compliance with subsection (a).”.

(b) PUBLIC BENEFITS.—The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended—

(1) in section 411(d) (8 U.S.C. 1621(d)), by striking “provides for such eligibility.” and inserting “provides for the eligibility of United States citizens and nationals for such benefit regardless of state residence.”;

(2) by amending subsection (d) of section 432 (8 U.S.C. 1642) to read as follows:

“(d) DECLARATIVE RIGHTS.—A lawful resident of a State may, after exhausting any available administrative remedies, seek declarative and injunctive relief in Federal district court from a practice of a government agency or agent of such State or of a political subdivision therein that provides a Federal, State, or local public benefit to an alien in violation of immigration laws, including the Immigration and Nationality Act.”; and

(3) in section 433(a) (8 U.S.C. 1643(a))—

(A) by striking paragraph (2); and
(B) by striking “LIMITATION” and all that follows through “Nothing” and inserting “LIMITATION.—Nothing”.

SEC. 242. AUTHORIZED APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

TITLE III—VISA REFORM AND ALIEN STATUS

Subtitle A—Limitations on Visa Issuance, Validity Due to Abuse, and Suspension of the Visa Waiver Program

SEC. 301. CURTAILMENT OF VISAS FOR COUNTRIES DENYING OR DELAYING REPATRIATION OF NATIONALS.

Section 244 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended by adding at the end the following new subsection:

“(e) PUBLIC LISTING OF ALIENS WITH NO SIGNIFICANT LIKELIHOOD OF REMOVAL.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall establish and maintain a public listing of every alien who is subject to a final order of re-
moval and with respect to whom the Secretary or any Federal court has determined that there is no significant likelihood of removal in the reasonably foreseeable future due to the refusal, or unreasonable delay, of all countries designated by the alien under this section to receive the alien. The public listing shall indicate whether such alien has been released from Federal custody, and the city and state in which such alien resides.

“(2) DISCONTINUATION OF VISAS.—During any month in which 24 or more of the citizens, subjects, or nationals of any foreign state have remained on the public listing described in paragraph (1) throughout such month, such foreign state shall be deemed to have denied or unreasonably delayed the acceptance of such aliens, and the Secretary of Homeland Security shall make the notification to the Secretary of State prescribed in subsection (d) of this section. The Secretary of State shall accordingly discontinue the issuance of non-immigrant visas to citizens, subjects, or nationals of such foreign state until such time as the number of aliens on the public listing from such foreign state has either (A) declined to fewer than six, or (B) remained below 24 for at least 30 days.”.
SEC. 302. CANCELLATION OF VISAS.

Section 222(g) of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1), by inserting “and any other nonimmigrant visa issued by the United States that is in the possession of the alien” after “such visa”; and

(2) in paragraph (2)(A), by inserting “or foreign residence” after “nationality”.

SEC. 303. NO JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking “, except in the context of a removal proceeding if such revocation provides the sole ground for removal under section 237(a)(1)(B)”.

SEC. 304. SUSPENSION OF VISA WAIVER PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, the visa waiver program established under section 217 of the Immigration and Nationality Act is suspended until the Secretary of Homeland Security determines and certifies to Congress that—

(1) the automated entry-exit control system authorized under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended, is fully implemented and functional;
(2) all United States ports of entry have func-
tional biometric machine readers; and

(3) all nonimmigrants, including Border Cross-
ing Card holders, are processed through the auto-
mated entry-exit system.

(b) Repealer.—Subparagraph (B) of section
217(a)(3) of the Immigration and Nationality Act (8
U.S.C. 1187(a)(3)) is repealed.

SEC. 305. ELIMINATION OF DIVERSITY IMMIGRANT PRO-
GRAM.

(a) Worldwide Level of Diversity Immigrants.—Section 201 of the Immigration and Nation-
ality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting “and” at the end of para-
graph (1);

(B) by striking “; and” at the end of para-
graph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) Allocation of Diversity Immigrant Visas.—
Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (e);

(2) in subsection (d), by striking “(a), (b), or
(e),” and inserting “(a) or (b),”;
(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking “(a), (b), or (e)” and inserting “(a) or (b)”;

(5) in subsection (g), by striking “(a), (b), and (e)” and inserting “(a) and (b)”.

(e) Procedure for Granting Immigrant Status.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I); and

(2) in subsection (e), by striking “(a), (b), or (e)” and inserting “(a) or (b)”.

(d) Effective Date.—The amendments made by this section shall take effect on October 1, 2006.


(a) In General.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended to read as follows:

“(a) Preference Allocation for Family-Sponsored Immigrants.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence shall be subject to the worldwide level specified in section 201(e) for family-sponsored immigrants, and shall be allocated visas in a number not to exceed such level.”.
(b) Worldwide Level of Family-Sponsored Immigrants.—Section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) is amended—

(1) by striking “480,000” and inserting “87,934”; and

(2) by striking “226,000” and inserting “87,934”.

(c) Numerical Limitation to Any Single Foreign State.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)(4), by striking subparagraph (A) and inserting the following new subparagraph:

“(A) 75 percent not subject to per country limitation.—Of the visa numbers made available under section 203(a) in any fiscal year, 75 percent shall be issued without regard to the numerical limitation under paragraph (2).”; and

(2) in subsection (c)—

(A) in paragraph (1), by adding “and” at the end;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).
(d) Procedure for Granting Immigrant Status.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)(i), by striking “paragraph (1), (3), or (4) of”;

(B) in subparagraph (B), by striking “203(a)(2)” and “203(a)(2)(A)” each place such terms appear and inserting “203(a)”; and

(C) in subparagraph (D)(i)—

(i) in subclause (I), by striking “a petitioner for preference status under paragraph (1), (2), or (3)” and all that follows through the period at the end and inserting “to be an individual under 21 years of age for purposes of adjudicating such petition, and for purposes of admission as an immediate relative under section 201(b)(2)(A)(i), notwithstanding the actual age of the individual.”; and

(ii) in subclause (III), by striking “paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable,” and inserting “section 203(a), and
under 21 years of age (notwithstanding the actual age of the individual),”; and
(2) in subsection (f), by striking “201(b), 203(a)(1), or 203(a)(3), as appropriate.” and inserting “201(b).”.
(f) Conditional Permanent Resident Status for Certain Alien Spouses and Sons and Daughters.—Section 216(g)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1186a(g)(1)(C)) is amended by striking “203(a)(2)” and inserting “203(a)”.
(g) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 307. SPONSORSHIP LEVELS.
Section 213A(f) of the Immigration and Nationality Act (8 U.S.C. 1183a(f)) is amended by striking “125 percent of the Federal poverty line” and inserting “225 percent of the Federal poverty line” each place it appears.
Subtitle B—Visa Term Compliance Bonds

SEC. 311. DEFINITION AND ISSUANCE OF VISA TERM COMPLIANCE BONDS.

(a) Definitions.—For purposes of this section:

(1) Visa term compliance bond.—The term “visa term compliance bond” means a written suretyship undertaking entered into by an alien individual seeking admission to the United States on a nonimmigrant visa whose performance is guaranteed by a bail agent.

(2) Suretyship undertaking.—The term “suretyship undertaking” means a written agreement, executed by a bail agent, which binds all parties to its certain terms and conditions and which provides obligations for the visa applicant while under the bond and penalties for forfeiture to ensure the obligations of the principal under the agreement.

(3) Bail agent.—The term “bail agent” means any individual properly licensed, approved, and appointed by power of attorney to execute or countersign bail bonds in connection with judicial proceedings and who receives a premium.

(4) Surety.—The term “surety” means an entity, as defined by, and that is in compliance with,
sections 9304 through 9308 of title 31, United States Code, that agrees—

(A) to guarantee the performance, where appropriate, of the principal under a visa term compliance bond;

(B) to perform as required in the event of a forfeiture; and

(C) to pay over the principal (penal) sum of the bond for failure to perform.

(b) ISSUANCE OF BOND.—A consular officer may require an applicant for a nonimmigrant visa, as a condition for granting such application, to obtain a visa term compliance bond.

(e) VALIDITY, EXPIRATION, RENEWAL, AND CANCELLATION OF BONDS.—

(1) VALIDITY.—A visa term compliance bond undertaking is valid if it—

(A) states the full, correct, and proper name of the alien principal;

(B) states the amount of the bond;

(C) is guaranteed by a surety and countersigned by an attorney-in-fact who is properly appointed;

(D) is an original signed document;
(E) is filed with the Secretary of Homeland Security along with the original application for a visa; and

(F) is not executed by electronic means.

(2) EXPIRATION.—A visa term compliance bond undertaking shall expire at the earliest of—

(A) 1 year from the date of issue;

(B) at the expiration, cancellation, or surrender of the visa; or

(C) immediately upon nonpayment of the premium.

(3) RENEWAL.—The bond may be renewed—

(A) annually with payment of proper premium at the option of the bail agent or surety; and

(B) provided there has been no breach of conditions, default, claim, or forfeiture of the bond.

(4) CANCELLATION.—The bond shall be canceled and the surety and bail agent exonerated—

(A) for nonrenewal;

(B) if the surety or bail agent provides reasonable evidence that there was misrepresentation or fraud in the application for the bond;

(C) upon termination of the visa;
(D) upon death, incarceration of the principal, or the inability of the surety to produce the principal for medical reasons;

(E) if the principal is detained in any city, State, country, or political subdivision thereof;

(F) if the principal departs from the United States for any reason without permission of the Secretary of Homeland Security and the surety or bail agent; or

(G) if the principal is surrendered by the surety.

(5) Effect of Expiration or Cancellation.—When a visa term compliance bond expires without being immediately renewed, or is canceled, the nonimmigrant status of the alien shall be revoked immediately.

(6) Surrender of Principal; Forfeiture of Bond Premium.—

(A) Surrender.—At any time before a breach of any of the conditions of the bond, the surety or bail agent may surrender the principal, or the principal may surrender, to any office or facility of the Department of Homeland Security charged with immigration enforcement or border protection.
(B) FORFEITURE OF BOND PREMIUM.—A principal may be surrendered without the return of any bond premium if the visa holder—

(i) changes address or, if required, pre-approved itinerary without notifying the surety or bail agent and the Secretary of Homeland Security in writing at least three working days after such change;

(ii) changes schools, jobs, or occupations without written permission of the surety, bail agent, and the Secretary;

(iii) conceals himself or herself;

(iv) fails to report to the Secretary as required at least annually; or

(v) violates the contract with the bail agent or surety, commits any act that may lead to a breach of the bond, or otherwise violates any other obligation or condition of the visa established by the Secretary.

(7) CERTIFIED COPY OF UNDERTAKING OR WARRANT TO ACCOMPANY SURRENDER.—

(A) IN GENERAL.—A person desiring to make a surrender of the visa holder—
(i) shall have the right to petition any Federal court for an arrest warrant for the arrest of the visa holder;

(ii) shall forthwith be provided a certified copy of the arrest warrant and the undertaking; and

(iii) shall have the right to pursue, apprehend, detain, and deliver the visa holder, together with the certified copy of the arrest warrant and the undertaking, to any official or facility of the Department of Homeland Security charged with immigration enforcement or border protection or any detention facility authorized to hold Federal detainees.

(B) EFFECTS OF DELIVERY.—Upon delivery of a person under subparagraph (A)(iii)—

(i) the official to whom the delivery is made shall detain the visa holder in custody and issue a written certificate of surrender; and

(ii) the court issuing the warrant described in subparagraph (A)(i) and the Secretary of Homeland Security shall immediately exonerate the surety and bail
agent from any further liability on the bond.

(8) FORM OF BOND.—A visa term compliance bond shall in all cases state the following and be secured by a surety:

(A) BREACH OF BOND; PROCEDURE, FORFEITURE, NOTICE.—

(i) If a visa holder violates any conditions of the visa or the visa bond, the Secretary of Homeland Security shall—

(I) order the visa canceled;

(II) immediately obtain a warrant for the visa holder’s arrest;

(III) order the bail agent and surety to take the visa holder into custody and surrender the visa holder to the Secretary; and

(IV) mail notice to the bail agent and surety via certified mail return receipt at each of the addresses in the bond.

(ii) A bail agent or surety shall have full and complete access to all information, electronic or otherwise, in the care, custody, and control of the United States
Government or any State or local government or any subsidiary or police agency thereof regarding the visa holder that the court issuing the warrant believes is crucial in locating the visa holder.

(iii) If the visa holder is later arrested, detained, or otherwise located outside the United States and the outlying possessions of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), the Secretary of Homeland Security shall—

(I) order that the bail agent and surety are completely exonerated, and the bond canceled and terminated; and

(II) if the Secretary has issued an order under clause (i), the surety may request, by written, properly filed motion, reinstatement of the bond. This subclause may not be construed to prevent the Secretary from revoking or resetting a higher bond.

(iv) The bail agent or surety must—
(I) produce the visa bond holder;  
or  
(II)(aa) prove within 180 days  
that producing the bond holder was  
prevented—  

(AA) by the bond holder’s illness or death;  

(BB) because the bond holder is detained in custody  
in any city, State, country,  
or political subdivision there-  
of;  

(CC) because the bond holder has left the United States or its outlying posses- 
sions (as defined in section  
101(a) of the Immigration  
and Nationality Act (8  
U.S.C. 1101(a)); or  

/DD) because required notice was not given to the  
bail agent or surety; and  

(bb) prove within 180 days that  
the inability to produce the bond hold-
er was not with the consent or connivance of the bail agent or sureties.

(v) If the bail agent or surety does not comply with the terms of this bond within 60 days after the mailing of the notice required under subparagraph (A)(i)(IV), a portion of the face value of the bond shall be assessed as a penalty against the surety, as follows:

(I) If compliance occurs more than 60 days but not more than 90 days after the mailing of the notice, the amount assessed shall be one-third of the face value of the bond.

(II) If compliance occurs more than 90 days, but not more than 180 days, after the mailing of the notice, the amount assessed shall be two-thirds of the face value of the bond.

(III) If compliance does not occur within 180 days after the mailing of the notice, the amount assessed shall be 100 percent of the face value of the bond.
(vi) All penalty fees shall be paid by
the surety within 45 days after the end of
such 180-day period.

(B) The Secretary of Homeland Security
may waive the penalty fees or extend the period
for payment or both, if—

(i) a written request is filed with the
Secretary; and

(ii) the bail agent or surety provides
evidence satisfactory to the Secretary that
diligent efforts were made to effect compli-
ance of the visa holder.

(C) COMPLIANCE; EXONERATION; LIMITA-
TION OF LIABILITY.—

(i) Compliance.—The bail agent or
surety shall have the absolute right to lo-
cate, apprehend, arrest, detain, and sur-
render any visa holder, wherever he or she
may be found, who violates any of the
terms and conditions of the visa or bond.

(ii) Exoneration.—Upon satisfying
any of the requirements of the bond, the
surety shall be completely exonerated.
(iii) LIMITATION OF LIABILITY.—The total liability on any undertaking shall not exceed the face amount of the bond.

(d) REGULATIONS.—The Secretary of State and the Secretary of Homeland Security shall, after consultation, issue provisional regulations implementing the provisions of this section, to take effect no later than 120 days the date of the enactment of this Act. Final regulations shall be issued after public notice and comment, as provided by law.

SEC. 312. RELEASE OF ALIENS IN REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended to read as follows:

“(2) subject to section 241(a)(8), may release the alien on bond of at least $10,000, with security approved by, and containing conditions prescribed by, the Secretary of Homeland Security, but the Secretary shall not release the alien on or to his own recognizance unless an order of an immigration judge expressly finds that the alien is not a flight risk and is not a threat to the United States; and”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.
SEC. 313. DETENTION OF ALIENS DELIVERED BY BONDSMEN.

(a) In General.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended by adding at the end the following new paragraph:

“(8) Effect of production of alien by bondsman.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall take into custody any alien subject to a final order of removal, and cancel any bond previously posted for the alien, if the alien is produced within the prescribed time limit by the obligor on the bond. The obligor on the bond shall be deemed to have substantially performed all conditions imposed by the terms of the bond, and shall be released from liability on the bond, if the alien is produced within such time limit.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to all immigration bonds posted before, on, or after such date.

Subtitle C—Adjustment of Alien Status

SEC. 321. ADJUSTMENT OF STATUS FOR CERTAIN ALIENS.

(a) Ineligibility for Adjustment of Status.—
U.S.C. 1255(c)) is amended by striking “(other than an immediate relative as defined in section 201(b) or a special immigrant described in subparagraphs (H), (I), (J), or (K) of section 101(a)(27))”.

(b) INAPPLICABILITY OF CERTAIN PROVISIONS FOR CERTAIN IMMIGRANTS.—Section 245(k) of the Immigration and Nationality Act (8 U.S.C. 1255(k)) is amended to read as follows:

“(k) INAPPLICABILITY OF CERTAIN PROVISIONS FOR CERTAIN IMMIGRANTS.—An alien who is eligible to receive an immigrant visa under paragraph (1), (2), or (3) of section 203(b), as an immediate relative as defined in section 201(b), or, in the case of an alien who is an immigrant described in subparagraph (C), (H), (I), (J), or (K) of section 101(a)(27), under section 203(b)(4), may adjust status pursuant to subsection (a) and notwithstanding paragraphs (2), (7), and (8) of subsection (c), if—

“(1) the alien, on the date of filing an application for adjustment of status, is present in the United States pursuant to a lawful admission; and

“(2) the alien, subsequent to such lawful admission has not, for an aggregate period exceeding 180 days—

“(A) failed to maintain continuously a lawful status;
“(B) engaged in unauthorized employment;
or
“(C) otherwise violated the terms and conditions of the alien’s admission.”.

SEC. 322. EXPANSION OF NATURALIZATION REQUIREMENT TO CERTAIN NONIMMIGRANT ALIENS.

(a) In General.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by inserting after subsection (e) the following new subsection:

“(d) For purposes of section 301(a), a person born in the United States shall be considered as ‘subject to the jurisdiction of the United States’ if—

“(1) the child was born in wedlock in the United States to a parent either of whom is (A) a citizen or national of the United States, or (B) an alien who is lawfully admitted for permanent residence and maintains his or her residence (as defined in subsection 101(a)(33)) in the United States; or

“(2) the child was born out of wedlock in the United States to a mother who is (A) a citizen or national of the United States, or (B) an alien who is lawfully admitted for permanent residence and maintains her residence in the United States.

For purposes of this subsection, a child is not considered to be ‘born in wedlock’ if the mother and the father of
the child are not married to each other, or such marriage
is only a common law marriage.”.

(b) CONFORMING AMENDMENT.—Section 301 of
such Act (8 U.S.C. 1401) is amended by inserting “(as
defined in section 101(d))” after “subject to the jurisdic-
tion thereof”.

(c) EFFECTIVE DATE.—The amendments made by
this section shall apply to aliens born on or after the date
of the enactment of this Act.

SEC. 323. TEMPORARY PROTECTED STATUS.

(a) IN GENERAL.—Section 244 of the Immigration
and Nationality Act (8 U.S.C. 1254a) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3)(D);

(B) in paragraph (4)—

(i) by striking subparagraph (B);

(ii) by moving the text of subpara-
graph (A) up and to the right so that it
follows immediately after the paragraph
heading; and

(iii) by striking “(A)”;

(C) in paragraph (5), by striking “to deny
temporary protected status to an alien based on
the alien’s immigration status or”;

(2) in subsection (b)—
(A) in paragraph (1)—

(i) in subparagraph (A), by adding “or” at the end;

(ii) in subparagraph (B)—

(I) in clause (i), by striking “disruption of living conditions” and inserting “physical destruction of homes and businesses”;

(II) by amending clause (ii) to read as follows:

“(ii) the foreign state is unable, temporarily, to house and employ the aliens who are nationals of the state residing in the United States, but has officially requested designation and submitted to the Secretary of State a specific plan to repatriate such nationals as expeditiously as possible; and”; and

(III) in clause (iii), by striking “; or” and inserting a period;

(iii) by striking subparagraph (C); and

(iv) by adding at the end the following:
“An initial designation, or extension of a designation, of a foreign state (or part of such foreign state) under this paragraph shall not become effective if the Secretary of Homeland Security finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.”

(B) in the last sentence of paragraph (2), by striking “18 months” and inserting “12 months”;

(C) in paragraph (3)—

(i) in subparagraph (A), by inserting “all” after “and shall determine whether”;

(ii) in subparagraph (B), by inserting “all” after “no longer continues to meet”;

and

(iii) by amending subparagraph (C) to read as follows:

“(C) Extension of designation.—If the Secretary of Homeland Security determines under subparagraph (A) that a foreign state (or part of such foreign state) continues to meet all the conditions for designation under paragraph (1) and that the foreign state warrants an extension, the period of designation of the foreign State is extended for an additional period of 6
months (or, in the discretion of the Secretary, a period of 12 months).”; and

(D) in paragraph (5)—

(i) by striking subparagraph (B);

(ii) by moving the text of subparagraph (A) up and to the right so that it follows immediately after the paragraph heading; and

(iii) by striking “(A) Designations.”;

(3) in subsection (c)—

(A) in paragraph (1)(B), by striking “The amount of any such fee shall not exceed $50.”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “of paragraph (1)—” and all that follows through the end and inserting the following: “, the provisions of section 212(a)(1) may be waived in the Secretary of Homeland Security’s discretion if a denial of temporary protected status would separate the alien from a spouse or child of the alien in the United States.”;

(ii) in subparagraph (B)—
(I) by amending clause (i) to read as follows:

“(i) the alien is inadmissible under section 212(a) by reason of having been convicted of a crime committed in the United States, or the alien is deportable under section 237(a) (other than under section 237(a)(1)(B));”;

(II) in clause (ii), by striking the period at the end and inserting “; or”;

and

(III) by adding at the end the following new clause:

“(iii) the alien was unlawfully present in the United States on the effective date of the designation of the applicable foreign state (or part of a state), or the effective date of any extension of such designation, unless a law to the contrary is enacted before such date, except that if the Congress is adjourned sine die on such date, the alien may be granted temporary protected status for a period of not more than 4 months.”;

(C) in paragraph (3)—
(i) by striking ‘‘, or’’ at the end of subparagraph (B) and inserting a semicolon;

(ii) in subparagraph (C)—

(I) by inserting ‘‘and record the alien’s current address’’ after ‘‘register’’; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs:

‘‘(D) the alien commits a crime after being granted temporary protected status; or

‘‘(E) the alien travels, no matter how briefly, to the foreign state (or part of such state) the designation of which was the basis of the alien being granted such status.’’;

(D) in paragraph (4), in each of subparagraphs (A) and (B), by inserting before the period at the end the following: ‘‘, unless the alien travels, no matter how briefly, to the foreign state (or part of such state) the designation of which was the basis of the alien being granted such status’’; and

(E) by striking paragraph (6);
(4) in subsection (d), by striking paragraph (4);
(5) in subsection (e), by striking “, unless the Attorney General determines that extreme hardship exists” in the first sentence;
(6) in subsection (f)—
   (A) by inserting “and” at the end of paragraph (2);
   (B) in paragraph (3), by striking “Attorney General; and” and inserting “Secretary of Homeland Security, except to the foreign state (or part of such state) the designation of which was the basis of the alien being granted such status.”; and
   (C) by striking paragraph (4); and
(7) in subsection (h)—
   (A) in paragraph (1), by inserting “or the House of Representatives” after “Senate”;
   (B) in paragraph (2), by striking “three-fifths” and inserting “two-thirds”; and
   (C) by inserting “and the House of Representatives” after “Senate” each place such term appears in paragraphs (2) and (3).

(b) INELIGIBILITY OF CERTAIN ALIENS.—
(1) IN GENERAL.—In the case of a foreign state (or part of a foreign state) initially designated
under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), or having such a designation extended, before the date of the enactment of this Act, an alien who is a national of such state (or in the case of an alien having no nationality, is a person who last habitually resided in such state), and was unlawfully present in the United States on the date of such designation or extension, shall be subject to paragraph (2).

(2) ALIENS INELIGIBLE.—An alien described in paragraph (1) shall not be considered eligible for temporary protected status under section 244 pursuant to any initial or succeeding extension of a designation described in such paragraph that takes effect after the date of the enactment of this Act, unless a law to the contrary is enacted before such effective date, except that if the Congress is adjourned sine die on such effective date, the alien may be granted temporary protected status for a period of not more than 4 months.

SEC. 324. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:
“(i) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, or any court shall not—

“(1) grant or order the grant of adjustment of status to that of an alien lawfully admitted for permanent residence;

“(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

“(3) issue any documentation evidencing or related to such grant by the Attorney General, the Secretary, or any court, until such background and security checks as the Secretary may in his discretion require have been completed to the satisfaction of the Secretary.”.

SEC. 325. DENIAL OF BENEFITS TO TERRORISTS AND CRIMINALS.

Chapter 4 of title III of the Immigration and Nationality Act (8 U.S.C. 1501 et seq.) is amended by adding at the end the following new section:

“CONSTRUCTION

“Sec. 362. (a) Nothing in this Act or any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any agency to grant any application, ap-
prove any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

“(1) any alien described in subparagraphs (A)(i), (A)(iii), (B), or (F) of sections 212(a)(3) or subparagraphs (A)(i), (A)(iii), or (B) of section 237(a)(4);

“(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien’s inadmissibility, deportability, or eligibility for the status or benefit sought; or

“(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

“(b) An official described in subsection (a) may—

“(1) with respect to an alien described in subsection (a)(1), deny or withhold any such application, petition, status, or benefit on such basis; or

“(2) with respect to an alien described in paragraph (2) or (3) of subsection (a), withhold pending resolution of the investigation, case, or law enforcement checks any such application, petition, status, or benefit on such basis.”.

SEC. 326. REPEAL OF SECTION 245(I).

Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is repealed.
SEC. 327. AUTHORIZED APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

TITLE IV—WORKPLACE ENFORCEMENT AND IDENTIFICATION INTEGRITY

Subtitle A—In General

SEC. 401. SHORT TITLE.

This title may be cited as the “Employment Security Act of 2005”.

SEC. 402. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) The failure of Federal, State and local governments to control and sanction the unauthorized employment and unlawful exploitation of illegal alien workers is the primary cause of illegal immigration.

(2) The use of modern technology not available in 1986 will enable employers to rapidly and accurately verify the identity and work authorization of their employees and independent contractors.

(3) The Federal Government and the American people share a compelling interest in protection of United States employment authorization, income tax
withholding, and social security accounting systems, against unauthorized access by illegal aliens.

(4) Limited data-sharing between the Department of Homeland Security, the Internal Revenue Service, and the Social Security Administration is essential to the integrity of these vital programs, which protect the employment and retirement security of all working Americans.

(5) The Federal judiciary must be open to private United States citizens, legal foreign workers, and law-abiding enterprises who seek judicial protection against injury to their wages and working conditions due to unlawful competition from illegal alien workers and the United States enterprises that utilize the labor or services provided by illegal aliens, especially where lack of resources constrains enforcement of Federal immigration law Federal immigration officials.

SEC. 403. EFFECTIVE DATES; IMPLEMENTATION.

(a) EFFECTIVE DATE.—Except where otherwise provided in this Act, the provisions of this title shall take effect not later than 45 days after the date of the enactment of this Act.

(b) INTERIM WORK ELIGIBILITY VERIFICATION PROGRAM.—The provisions of section 411 of this Act, (requir-
ing use by employers of the Interim Work Eligibility Verification Program, as extended in scope by section 411(b), shall be implemented not later than 12 months after the date of the enactment of this Act.

(c) **Alien Work Eligibility Database.**—The provisions of section 421 of this Act (establishing the Alien Work Eligibility Database and transferring the Interim Work Eligibility Program previously operated by the Department of Homeland Security to the Social Security Administration) shall be implemented not later than 24 months after the date of the enactment of this Act.

(d) **Work Eligibility Verification System.**—The provisions of section 412 of this Act (creating the Work Eligibility Verification System) shall be implemented as follows:

(1) **In General.**—The Commissioner and the Secretary shall issue regulations to carry out the Work Eligibility Verification System not later than 12 months after the date of the enactment of this Act.

(2) **Provision for Issuance of New Social Security Cards.**—Such regulations shall include provision for the issuance and use of the new social security cards in accordance with section 422 of this Act.
(A) **APPLICATION PROCEDURES.**—The application procedures for new Social Security cards described in section 422 shall be implemented not later than 12 months after the implementation of the Alien Work Eligibility Database at the Social Security Administration.

(B) **VERIFICATION REQUIREMENTS.**—The verification requirements described in section 274A(a)(1)(B) of the Immigration and Nationality Act, as amended by section 412 this Act, shall be effective for employers hiring—

(i) a noncitizen, beginning 12 months after the establishment of the Alien Work Eligibility Database; or

(ii) a citizen or national of the United States, not later than 10 years after the date of the enactment of this Act.

(3) **INDEPENDENT CONTRACTORS.**—Independent contractors shall, for purposes of implementation of the verification requirements of section 412 of this Act, be treated as applicants for employment.

(4) **PILOT PROGRAM FOR FEDERAL WORKSITES AND THE DISTRICT OF COLUMBIA.**—

(A) **IN GENERAL.**—The Secretary of Homeland Security and the Social Security
Commissioner, after consultation, shall implement the verification requirements of section 412 for all applicants for employment at facilities and worksites in the United States operated by the Federal government, and for all employers in the District of Columbia, beginning four years after the date of enactment of this Act.

(B) REPORT.—The Secretary of Homeland Security and the Social Security Commissioner shall jointly submit a report to Congress evaluating implementation of the Interim Work Eligibility Verification Program and providing recommendations for full implementation of the Work Eligibility Verification System within 12 months after implementation of the Interim Program.

(5) EARLY IMPLEMENTATION OPTION.—An employer may elect to require that the verification requirements of section 412 shall be effective for all applicants for employment with the employer beginning five years after the date of the enactment of this Act.
Subtitle B—Reform of the Work Eligibility Verification System

SEC. 411. BASIC PILOT PROGRAM RENAMED INTERIM WORK ELIGIBILITY VERIFICATION PROGRAM; VERIFICATION REQUIREMENT FOR INDEPENDENT CONTRACTORS.

(a) RENAMING OF BASIC PILOT PROGRAM.—The basic pilot program established under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is hereby renamed as the “Interim Work Eligibility Verification Program”.

(b) EXTENSION OF SCOPE OF PROGRAM.—The Secretary of Homeland Security and the Commissioner of Social Security shall provide for the implementation of the Interim Work Eligibility Verification Program throughout the United States on a timely basis, consistent with section 403(b) and such Program shall continue in operation until the Commissioner certifies to the Secretary that the transfer of functions to the Work Eligibility Verification System (as created by section 412) is complete.

(c) REQUIREMENT FOR USE OF EMPLOYMENT ELIGIBILITY VERIFICATION.—

(1) IN GENERAL.—Any person or other entity that hires any individual for employment in the
United States, or engages an independent contractor to perform services of any kind in the United States, shall participate in the Interim Work Eligibility Verification Program.

(2) SANCTIONS FOR NONCOMPLIANCE.—Section 402(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

“(2) If a person or other entity is required to participate in a work eligibility confirmation program in this subsection and fails to comply with the requirements of such program with respect to an individual who is subject to such program, such failure shall be treated as a violation of section 274A(a)(1)(B) of the Immigration and Nationality Act with respect to that individual.”.

SEC. 412. WORK ELIGIBILITY VERIFICATION SYSTEM.

(a) IN GENERAL.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) is amended to read as follows:

“WORK ELIGIBILITY VERIFICATION SYSTEM

“Sec. 274A. (a)(1) IN GENERAL.—

“(A) REQUIREMENTS FOR EMPLOYEES.—No indi-

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ployer in the United States unless such individual has—

“(i) where required by law, obtained a work authorization document that has been determined by the Commissioner of Social Security to comply with the requirements of section 205(c)(2)(G) of the Social Security Act; and

“(ii) displayed such document to the employer pursuant to the employer’s request for purposes of the verification required under subparagraph (B).

“(B) REQUIREMENTS FOR EMPLOYERS.—

“(i) IN GENERAL.—No employer may hire for employment an individual in the United States in any capacity unless such employer verifies under this subparagraph, where required by law, that such individual has in the individual’s possession a work authorization document described in subparagraph (A)(i) and that such individual is authorized to work in the United States in such capacity.

“(ii) VERIFICATION PROCEDURES.—Confirmation of authorization to work shall be made by query to the Social Security Administration in accordance with regulations to be
promulgated by the Commissioner of Social Security and the Secretary of Homeland Security. Such regulations shall ensure against fraudulent use of the documents and provide for accurate, prompt, and secure verification of the authorization of such individual to work in the United States in such capacity. The verification system so adopted shall be made available at minimal cost to the employer. The verification system shall at a minimum include use of—

“(I) a card-reader verification system approved by the Commissioner as capable of reading the electronic identification strip borne by the work authorization document;

“(II) telephonic and online computer verification systems which shall be established by the Commissioner as valid alternative verification methods; and

“(III) a unique transaction code to be produced by the verification system and provided to an employer as evidence of employer compliance with the requirements of this paragraph, and as confirmation of the employee’s work authorization.
“(iii) VERIFICATION OF CITIZENS.—In the case of United States citizen or national, verification means confirming the cardholder’s identity and social security number with the Social Security Administration.

“(iv) VERIFICATION OF NON-CITIZENS.—In the case of a noncitizen, verification means confirming the cardholder’s identity and social security number with the Social Security Administration and confirming the cardholder’s term of authorization to work in the United States through the Alien Work Eligibility Database.

“(v) EXCEPTION.—The Secretary of Homeland Security may, after consultation with the Commissioner of Social Security and the Secretary of Labor, issue regulations providing for alternative work eligibility verification procedures for United States citizens or nationals in individual cases where display of a work authorization document would be a hardship, because the individual is less than 18 or more than 67 years of age, or does not possess a required document due to religious conviction, or is eligible for a rehabilitation or other sheltered employment development or assistance program.
Such procedures shall at a minimum require compliance by the employer with the attestation requirements of subsection (b) and confirmation of the individual’s citizenship status and social security number.

“(vi) ACCESS TO DATABASE.—The Commissioner shall ensure that, by means of such procedures, the employer will have such access to the Alien Work Eligibility Database established and operated by the Commissioner of Social Security pursuant to section 421, so as to enable the employer to verify the citizenship, lawful immigration status, and work eligibility information presented by an individual seeking work with the employer in any capacity.

“(vii) GOOD FAITH COMPLIANCE.—Notwithstanding any other provision of law, an employer who establishes that the employer complied in good faith with the requirements of this subparagraph shall not be liable for hiring an unauthorized worker or for discharging an authorized worker, if—

“(I) such hiring or discharge occurred due to an error in the telephone, online, or card-reader verification system or the Alien
Work Eligibility Database which was unknown to the employer at the time of such employment action; and

“(II) the employer, upon being informed of the error, discharges the unauthorized worker, or rescinds the discharge of the authorized worker retroactive to the date such discharge occurred.

“(C) SECURITY AND EFFECTIVENESS.—The regulations issued by the Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall ensure that—

“(i) the telephonic and online computer verification systems described in subparagraph (B)(ii)(II) are as secure and reliable as the card-reader verification system described in subclause (I) of such subparagraph;

“(ii) any personal information encrypted on the work authorization document is secured against disclosure to unauthorized third parties; and

“(iii) a procedure to promptly correct any error in personal data maintained in the verification system is available to any employee or applicant for employment for whom the
Work Authorization Verification System has been unable to initially confirm work authorization.

“(2) CONTINUING EMPLOYMENT.—It is unlawful for a person or other entity, after hiring an alien for employment in accordance with paragraph (1), to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

“(3) USE OF LABOR THROUGH CONTRACT.—A person or other entity who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of enactment of this section, to obtain the labor of an alien in the United States without confirming that the contractor, subcontractor, or actual employer of the alien has verified the work authorization of the alien as required by this section shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

“(4) APPLICATION TO GOVERNMENT ENTITIES.—For purposes of this section, the term ‘entity’ shall refer to any entity of the Federal or any State government, or any political subdivision thereof, and as well as any other entity exempted from taxation of income by a Federal or State government.
“(b) Eligibility Verification Forms.—

“(1) Employer attestation of compliance.—The verification procedures prescribed under subsection (a)(1)(B) shall include an attestation, made under penalty of perjury and in a format designated or established by the Commissioner of Social Security by regulation, that the employer has complied with such procedures.

“(2) Individual attestation of employment authorization.—The individual must attest, under penalty of perjury in the format designated for purposes of paragraph (1), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized by this Act or by the Secretary of Homeland Security to be referred, recruited, or hired for such employment. Such attestation must include the individual’s social security number, and may be manifested by either a handwritten or electronic signature.

“(3) Retention of verification form.—After completion of such form in accordance with paragraphs (1) and (2), the employer must retain a paper, microfilm, or electronic version of the form and make it available for inspection, as provided in
subparagraph (5), during a period beginning on the
date of the hiring, recruiting or referral of the indi-
vidual and ending three years after the date of re-
cruiting, referral without hiring, hiring, or termi-
nation from employment, whichever is later. The
verification form shall include the transaction code

“(4) Copying of documentation permitted.—Notwithstanding any other provision of
law, the person or entity may copy a document as
presented by an individual pursuant to this sub-
section.

“(5) Limitation on use of attestation
form.—A form designated or established by the
Commissioner of Social Security under this section,
and any information provided by an individual or
employer on such form, may not be used for pur-
poses other than implementation and enforcement of
the criminal, immigration, employment, social secu-
ritv, or tax laws of the United States, or of the
State wherein the attestation was made.

“(c) No authorization of national identification
cards.—Nothing in this section shall be construed
to authorize, directly or indirectly, the issuance or use of
national identification cards or the establishment of a na-
tional identification card.

“(d) ENFORCEMENT BY THE DEPARTMENT OF
HOMELAND SECURITY.—

“(1) IN GENERAL.—The Secretary of Homeland
Security may assess a penalty, payable to the Sec-
retary, and shall issue an order to comply with Fed-
eral immigration law, against any employer who—

“(A) hires an individual for employment in
the United States in any capacity who is known
by the employer not to be authorized to work
in the United States in such capacity; or

“(B) fails to comply with the procedures
prescribed by the Secretary pursuant to this
section in connection with the employment of
any individual.

“(2) AMOUNT.—Such penalty shall not exceed
$50,000 for each occurrence of a violation described
in paragraph (1) with respect to the individual, plus,
in the event of the removal of such individual from
the United States based on findings developed in
connection with the assessment or collection of such
penalty, the costs incurred by the Federal Govern-
ment, cooperating State and local governments, and
State and local law enforcement agencies, in connection with such removal.

“(3) ACTIONS BY SECRETARY.—If any person is assessed a penalty under paragraph (1) and fails to pay the assessment when due, or any person otherwise fails to meet any requirement of this section, the Secretary may bring a civil action in any district court of the United States within the jurisdiction of which such person’s assets are located or in which such person resides or is found for the recovery of the amount of the assessment or for appropriate equitable relief to redress the violation or enforce the provisions of this section, and process may be served in any other district. The district courts of the United States shall have jurisdiction over actions brought under this section by the Secretary without regard to the amount in controversy.

“(e) COMPLAINTS AND INVESTIGATIONS.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall establish procedures for private parties and agencies of any State or political subdivision therein to file a written, signed complaint, including a complaint filed in electronic form, alleging violations of this section, consistent with this subsection.
“(A) Review and initial determination.—Each complaint shall be reviewed and a determination made as to whether the complaint, on its face, provides sufficient information to identify the entity and any persons claimed to be in violation of this section, and whether the alleged violation occurred or is occurring within 180 days of the date the complaint is filed. A notice of such determination shall be provided to the complainant.

“(B) Enforcement investigation.—If the review under subparagraph (A) indicates that sufficient information has been provided, the Secretary shall conduct a civil or criminal enforcement investigation.

“(C) Assistance.—The Secretary may authorize a law enforcement agency of the State or local jurisdiction in which a civil or criminal investigation is authorized to conduct or assist in such investigation.

“(2) Civil enforcement by other parties.—

“(A) In general.—Any private party, or an agency of any political subdivision of any State, may file a civil complaint directly with
the Office of the Chief Administrative Hearing
Officer of the Department of Justice against a
person or entity that has recruited, hired, or
employed 12 or more unauthorized aliens within
any 365 day period.

“(B) TIME OF VIOLATION.—The alleged
violation shall have occurred within 180 days of
the date the complaint was filed.

“(C) PROCEDURES FOR ADJUDICATION.—
The adjudication of the complaint shall be con-
ducted pursuant to the requirements for admin-
istrative adjudication procedures established by
the chapter 5 of title 5, United States Code
(popularly known as the Administrative Proce-
dure Act). The complainant shall have the bur-
den of proof in such proceedings.

“(D) RECOVERY.—A prevailing complain-
ant shall be entitled to issuance of an order for
compliance against the entity or persons found
to be in violation, as well as a civil penalty with
damages equal to three times the amount of
any civil fines or monetary penalties that could
be levied against the entity and the persons,
plus reasonable attorneys’ fees and costs.
“(3) Authority in Investigations.—In conducting investigations and hearings under subsections (d) or (e), immigration officers and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated, and may compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing. Upon application by the Secretary, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

“(f) Appellate Review of Decisions and Orders.—

“(1) Department of Homeland Security Enforcement Actions.—

“(A) In General.—A decision by the Secretary under subsections (d) or (e)(1) to assess a civil penalty or to issue an order for compliance shall become final unless, within 45 days of the date of such decision, a party adversely affected by such decision files a petition for administrative review with the Office of the Chief Administrative Hearing Officer of the Executive
Officer for Immigration Review in the Department of Justice.

“(B) REGULATIONS.—The Chief Administrative Hearing Officer shall promulgate regulations governing proceedings for review of the petition under this paragraph.

“(C) JUDICIAL REVIEW.—A party asserting an error of law or the infringement of a right protected by the Constitution made in a decision by the Office of the Chief Administrative Hearing Officer may, within 45 days of the date of such decision, file a petition for judicial review in the Court of Appeals for the District of Columbia Circuit.

“(2) OTHER ENFORCEMENT ACTIONS.—A decision by the Office of the Chief Administrative Hearing Officer under subsection (e)(2) to issue an order for compliance or to assess a civil penalty or damages shall become final unless, within 45 days of the date of such decision, a party adversely affected by such decision files a petition for judicial review in the United States district court for the judicial district wherein the entity or person that is the subject to the complaint is domiciled.
“(g) Prohibition of Indemnity Bonds.—It is unlawful for a person or other entity, in the hiring, recruiting, or referring for employment of any individual, to require the individual to post a bond or security, or otherwise to provide or agree to provide any financial guarantee or indemnity against any potential liability arising under this section.

“(h) Miscellaneous Provisions.—

“(1) Documentation.—In providing documentation or endorsement of authorization of any alien for employment in the United States, the Secretary shall provide that any limitation with respect to the duration or type of employment or employer shall be conspicuously stated on the documentation.

“(2) Preemption.—The provisions of this section do not preempt any State or local law that may impose additional or increased civil or criminal penalties upon those who recruit, hire, employ or shelter unauthorized aliens in violation of Federal law.

“(3) Definitions.—For purposes of this section:

“(A) The term ‘authorized to work in the United States’, when applied to an individual, means that the individual is not an unauthorized alien.
“(B) The term ‘employer’ means—

“(i) any person or entity who hires an individual; or

“(ii) any individual earning self-employment income (as defined in section 211(b) of the Social Security Act (42 U.S.C. 411(b))).

“(C) The term ‘employee’ shall have the meaning given such term in section 210(j) of the Social Security Act (42 U.S.C. 410(j)).

“(D) The term ‘hire’ means to recruit, refer, or hire an individual for employment in the United States.

“(E) The term ‘unauthorized alien’ means, with respect to the employment of an alien at a particular time, that the alien is not at that time—

“(i) an alien lawfully admitted for permanent residence; or

“(ii) otherwise authorized to be so employed by this Act or by the Secretary of Homeland Security.

“(F) The term ‘work authorization document’ means—
“(i) in the case of a citizen or national of the United States, a social security card described in section 205(c)(2)(G)(ii) of the Social Security Act (42 U.S.C. 405(c)(2)(G)(ii)), as amended by this Act, or a State driver’s license or identification card that has been certified pursuant to section 202(a)(2) of the REAL ID Act of 2005 (Public Law 109–13) and is compatible with the card-reader verification system described in subsection (a)(1)(B)(ii)(I); or

“(ii) in the case of a noncitizen, a social security card described in section 205(c)(2)(G)(iii) of the Social Security Act, as amended.”.

(b) INVESTIGATION NOT A WARRANTLESS ENTRY.—

Section 287(e) of the Immigration and Nationality Act (8 U.S.C. 1357(e)) is amended by adding at the end the following: “An investigation authorized pursuant to subsections (d) or (e) of section 274A is not a warrantless entry.”.
SEC. 413. PROTECTION FOR UNITED STATES WORKERS AND INDIVIDUALS REPORTING IMMIGRATION LAW VIOLATIONS.

Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

“Notwithstanding any other provision of law, the rights protected by this paragraph include the right of any individual to report a violation or suspected violation of any immigration law to the Department of Homeland Security or a law enforcement agency.”.

SEC. 414. INADMISSIBILITY FOR FAILURE TO PRESENT DOCUMENTATION OF WORK ELIGIBILITY.

Section 212(a)(9)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)) is amended—

(1) in subclause (I), by striking “or” at the end;

(2) in subclause (II), by adding “or” at the end; and

(3) by inserting after subclause (II) the following new subclause:

“(III) commenced employment without complying with the requirements of section 274A(a)(1)(A),”.
Subtitle C—Work Eligibility

Verification Reform in the Social Security Administration

SEC. 421. ALIEN WORK ELIGIBILITY DATABASE.

(a) In General.—The Commissioner for Social Security shall establish and maintain an Alien Work Eligibility Database.

(b) Contents of Database.—The Database shall include data comprised of the immigration and work authorization status (including expiration dates) of individuals and the work and residency eligibility information (including expiration dates) with respect to individuals who are not citizens or nationals of the United States but are authorized to work in the United States. Such data shall incorporate the employment authorization information, processes and procedures maintained by the Department of Homeland Security for the operation of the Work Eligibility Verification System, as established pursuant to section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 412.

(c) Operation of Database.—The Commissioner shall maintain ongoing consultations with the Secretary of Homeland Security to ensure efficient and effective transfer and maintenance of the Database.
(d) INCORPORATION OF ONGOING PILOT PROGRAMS.—The Alien Work Eligibility Database shall incorporate the information, processes, and procedures employed in connection with the Interim Work Eligibility Verification Program, as designated by section 411 of this Act, into the operation and maintenance of the Database under subsection (a).

SEC. 422. ANTI-FRAUD MEASURES FOR SOCIAL SECURITY CARDS.

Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended—

(1) by inserting “(i)” after “(G)”;

(2) by striking “banknote paper” and inserting “durable plastic or similar material”; and

(3) by adding at the end the following new clauses:

“(ii) In addition to the requirements described in clause (i), the Social Security card shall be a machine-readable, tamper-resistant document, incorporating at a minimum the photograph, security features and machine readable technology and data elements required to meet the minimum standards for Federal use prescribed for State identification cards in Section 202 of the REAL ID Act of 2005, Public Law
109–12. The Commissioner shall specify the required machine-readable technology in consultation with the Secretary of Homeland Security, so as to enable employers to use the Work Authorization Document, in conformance with the employment eligibility verification procedures of sections 274A of the Immigration and Nationality Act and section 421 of the TRUE Enforcement and Border Security Act of 2005, to request and obtain verification of work authorization, with respect to the individual to whom the card has been issued.

“(iii) Social Security cards issued to non-citizens shall have, in addition to the characteristics described in clauses (i) and (ii), a different color or other readily distinguishable feature than cards that are issued to United States citizens and shall be compatible with document authentication standards required for verification of immigration documents by section 303(b)(1) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107–173).

“(iv) Each Social Security card issued under this subparagraph shall contain physical
security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes. The Commissioner shall maintain an ongoing program to develop measures in relation to the Social Security card and the issuance thereof to preclude fraudulent use thereof.

“(v) The Commissioner shall provide for the issuance (or reissuance) of a Social Security card which meets the preceding requirements of this subparagraph to each individual who—

“(I) has been assigned a Social Security account number under subparagraph (B),

“(II) has attained the minimum age applicable, in the jurisdiction in which such individual engages in employment, for legally engaging in such employment, and

“(III) files an application for such card under this clause in such form and manner as shall be prescribed by the Commissioner.”.
SEC. 423. NOTIFICATION BY COMMISSIONER OF FAILURE TO CORRECT SOCIAL SECURITY INFORMATION.

The Commissioner of Social Security shall promptly notify the Secretary of Homeland Security of the failure of any individual to provide, upon any request of the Commissioner made pursuant to section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), evidence necessary, under such section to—

(1) establish the age, citizenship, immigration or work eligibility status of the individual;

(2) establish such individual’s true identity;

(3) determine which (if any) social security account number has previously been assigned to such individual.

SEC. 424. RESTRICTION ON ACCESS AND USE; NO NATIONAL IDENTIFICATION CARD.

Section 405(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

“(I)(i) Access to any information contained in the Alien Work Eligibility Database shall be prohibited for any purpose other than the administration or enforcement of Federal immigration, social security, and tax laws, unless otherwise authorized by Federal law.
“(ii) Nothing in this Act may be construed to require the presentment of a social security card for any purpose other than administration or enforcement of the social security and immigration laws of the United States, or to establish the social security card as a national identification (ID) card.

“(J) No person or entity may—

“(i) use the information in the Alien Work Eligibility Database for any purpose other than as permitted by Federal law; or

“(ii) require that any person present or carry on his person a social security card for any purpose other than as permitted by Federal law.

Whoever knowingly uses, discloses, publishes, or permits the unauthorized use of information in the Alien Work Eligibility Database in violation of this section shall be fined not more than $10,000, by the Social Security Administration. Sixty percent of any such fine imposed shall be awarded to each individual injured by such violation.”.
SEC. 425. SHARING OF INFORMATION WITH THE COMMISSIONER OF INTERNAL REVENUE SERVICE.

Section 405(c)(2)(H) of the Social Security Act (42 U.S.C. 605(c)(2)(H)) is amended to read as follows:

“(H) The Commissioner of Social Security shall share with the Secretary of the Treasury—

“(i) the information obtained by the Commissioner pursuant to the second sentence of subparagraph (B)(ii) and to subparagraph (C)(ii) for the purpose of administering those sections of the Internal Revenue Code of 1986 that grant tax benefits based on support or residence of children;

“(ii) information relating to the detection of wages or income from self-employment of unauthorized aliens (as defined by section 274 of the Immigration and Nationality Act (8 U.S.C. 1324a)), or the investigation of false statements or fraud by such persons incident to administration of the immigration, social security, or tax laws of the United States; and

“(iii) information disclosed under this subparagraph shall be solely for the use of
the officers and employees to whom such
information is disclosed in such response
or investigation.”.

SEC. 426. SHARING OF INFORMATION WITH THE SEC-
RETARY OF HOMELAND SECURITY.

Section 405(c)(2) of the Social Security Act (42
U.S.C. 405(c)(2)), as amended by section 424, is amended
by adding at the end the following new subparagraph:

“(K) Upon the issuance of a Social Secu-
rity account number under subparagraph (B) to
any individual or the issuance of a Social Secu-
rity card under subparagraph (G) to any indi-
vidual, the Commissioner of Social Security
shall transmit to the Secretary of Homeland Se-
curity such information received by the Com-
missioner in the individual’s application for
such number or such card as such Secretary de-
determines necessary and appropriate for admin-
istration of the immigration or social security
laws of the United States.”.
Subtitle D—Work Eligibility Verification System Reform in the Internal Revenue Agency

SEC. 431. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY AND THE COMMISSIONER OF SOCIAL SECURITY.

Section 6103(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(9) Disclosure of information relating to violations of federal immigration law.—

“(A) Upon receipt by the Secretary of a written request, by the Secretary of Homeland Security, or the Social Security Commissioner, the Secretary shall disclosure return information to officers and employees of such agency who are personally and directly—

“(i) engaged in preparation for any judicial or administrative civil or criminal enforcement proceeding against an alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq), other than the adjudication of any application for a change in immigration status or other benefit by such alien, or
“(ii) preparation for a civil or criminal enforcement proceeding against a citizen or national of the United States under sections 274, 274A, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a, or 1324c), or

“(iii) any investigation which may result in such a proceeding.

“(B) LIMITATION ON USE OF INFORMATION.—

“(i) Information disclosed under this paragraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

“(ii) Should the proceeding for which such information has been disclosed not commence within two years after the date on which the information was disclosed by the Secretary, the such information shall be returned to the Secretary in its entirety, and shall not be retained in any form by the requestor, unless the taxpayer is notified in writing as to the information that has been retained.”.
SEC. 432. INELIGIBILITY FOR NONRESIDENT ALIEN TAX STATUS.

Section 7701(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C)(i) An alien who is present in the United States while working in any capacity in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) during any portion of a calendar year shall be treated as an undocumented alien with respect to such calendar year.

“(ii) Such an undocumented alien shall not be eligible for nonresident alien tax status during such calendar year.

“(iii) The Secretary shall provide the Secretary of Homeland Security and the Social Security Commissioner with information sufficient to establish the identity and last known address of any undocumented alien identified by the Secretary.”.

SEC. 433. UNLAWFUL USE OF INDIVIDUAL TAXPAYER IDENTIFICATION NUMBERS.

Chapter 75 of the Internal Revenue Code of 1986 is amended by inserting after section 7217 the following:
SEC. 7218. PROHIBITED USES OF TAXPAYER IDENTIFICATION NUMBERS.

“(a) It is unlawful for a person to request or use for any purpose the taxpayer identification number (TIN) assigned to an alien described in section 7701(b)(1), other than a resident alien described in subparagraph (A), except where required by regulation, or requested for administration of the tax laws by an officer or employee of the Internal Revenue Service.

“(b) Any person who willfully violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $2,000 or imprisonment for not more than 1 year, or both.”.

SEC. 434. NO DEDUCTION ALLOWED FOR COMPENSATION PAID TO UNAUTHORIZED WORKERS.

(a) In General.—Section 162(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) WAGES PAID TO OR ON BEHALF OF UNAUTHORIZED ALIENS.—

“(A) In General.—No deduction shall be allowed under subsection (a) for any recruiting expense or wage paid to or behalf of an unauthorized alien, as defined under section 274A(h)(3) of the Immigration and Nationality
Act (8 U.S.C. 1324a(h)(3)), unless the alien’s eligibility for employment was first verified through the Alien Work Eligibility Verification System, as implemented by the TRUE Enforcement and Border Security Act of 2005.

“(B) DEFINITIONS.—For the purposes of this paragraph:

“(i) The term ‘recruiting expense’ means any payment made to a third party to identify, recruit, or prepare an individual for employment.

“(ii) The term ‘wages’ means all remuneration for employment, including the cash value of all remuneration (to include benefits) paid in any medium other than cash.”.

(b) 7-YEAR LIMITATION ON ASSESSMENT AND COLLECTION.—Subsection (e) of section 6501 of such Code (relating to exceptions) is amended by adding at the end the following new paragraph:

“(10) DEDUCTION CLAIMED FOR RECRUITING EXPENSE OR WAGES OF UNAUTHORIZED ALIENS.—In the case of a return of tax on which a deduction is shown in violation of section 162(c)(4), any tax under chapter 1 may be assessed, or a proceeding
for the collection of such tax may be begun without
assessment, at any time within 7 years after the re-
turn is filed.”.

(c) Availability of Information.—The Commis-
sioner of Social Security shall make available to the Com-
missioner of Internal Revenue any information related to
the investigation and enforcement of section 162(c)(4) of
the Internal Revenue Code of 1986, including any no-
match letter and any information in the suspense earnings
file.

(d) Effective Date.—The amendments made by
subsections (a) and (b) shall apply to taxable years begin-
ning with the first taxable year beginning at least 365
days after enactment of this Act.

Subtitle E—Identification
Document Integrity

SEC. 441. CONSULAR IDENTIFICATION DOCUMENTS.

(a) Acceptance of Foreign Identification Doc-
uments.—

(1) In general.—For purposes of personal
identification, no agency, commission, entity, or
agent of the executive or legislative branches of the
Federal Government may accept, acknowledge, rec-
ognize, or rely on any identification document issued
by a foreign government, unless otherwise mandated
by Federal law. For purposes of this section, an
agent shall include:

(A) a Federal contractor or grantee; or

(B) an institution or entity exempted from
Federal income taxation under the Internal

(2) EXCEPTIONS.—

(A) IN GENERAL.—A person who is not a
citizen or national of the United States may
present for personal identification purposes an
official identification document issued by a for-

gn government, or other foreign identification
document recognized by treaty, if—

(i) such noncitizen also simultaneously
presents valid verifiable documentation of
lawful presence in the United States issued
by an agency of the Federal Government;

(ii) reporting a violation of law or
seeking government assistance in an emer-
gency; or

(iii) such use is expressly permitted by
Federal law.

(B) NONAPPLICATION.—The provisions of
paragraph (1) shall not apply to—
(i) inspections of alien applicants for admission to the United States; or

(ii) verification of personal identification outside the United States.

(3) Listing of Acceptable Documents.—The Secretary of Homeland Security shall issue, maintain in printed and electronic media, and disseminate to the public at no cost an updated listing, compiled in consultation with the Secretary of State, and including sample facsimiles, of all acceptable Federal documents that satisfy the requirements of paragraph (2)(A). Such listing may, at the discretion of the Secretary of Homeland Security, include a similar listing of documents establishing employment authorization or identity under section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)).

(b) Establishment of Personal Identity.—Section 274C of the Immigration and Nationality Act (8 U.S.C. 1324e) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph:
“(6) to use to establish personal identity, before any agent of the Federal Government, or before any agency of the Federal Government or of a State or any political subdivision therein, a travel or identification document issued by a foreign government that is not accepted by the Secretary of Homeland Security to establish personal identity for purposes of admission to the United States at a port of entry, except where a person who is not a citizen of the United States (A) simultaneously presents valid verifiable documentation of lawful presence in the United States issued by an agency of the Federal Government, or (B) is reporting a violation of law or seeking government assistance in an emergency, or (C) such use is expressly permitted by Federal law.”; and

(2) in subsection (d)—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

“(2) CIVIL COMPLAINT PROCEDURE.—

“(A) The Secretary of Homeland Security shall establish procedures to file a written,
signed complaint, which may be submitted in
electronic form, alleging a violation of sub-
section (a). A complaint may be filed by a state
or local government agency, or by a private
party injured by a violation of subsection (a).

“(B) Each complaint filed shall be re-
viewed and a determination made as to whether
the complaint, on its face, provides sufficient in-
formation to identify the entity and any persons
claimed to be in violation of this section, to
identify the prohibited activity, and whether the
alleged violation occurred or is occurring within
180 days of the date the complaint was filed. A
notice of such determination shall be provided
to the complainant.

“(C) If the review under paragraph (2) in-
dicates that sufficient information has been pro-
vided, the Secretary shall conduct a civil or
criminal enforcement investigation.

“(D) The Secretary may authorize a law
enforcement agency of the state or local juris-
diction in which a civil or criminal investigation
is authorized to conduct or assist in such inves-
tigation.”.
(c) QUALIFIED IMMUNITY.—Actions taken in violation of subsection (a) of this section, or section 274C of the Immigration and Nationality Act (8 U.S.C. 1324c), as amended by subsection (b), shall be deemed outside the official capacity of the elected official or officer, employee, or agent of a Federal agency so acting.

SEC. 442. MACHINE-READABLE TAMPER-RESISTANT IMMIGRATION DOCUMENTS.


(1) in the header, by striking “ENTRY AND EXIT DOCUMENTS” and inserting “TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS”;

(2) in subsection (b)(1)—

(A) by striking “Not later than October 26, 2004, the Attorney General” and inserting “The Secretary of Homeland Security”; and

(B) by striking “visas and” each place it appears and inserting “visas, evidence of status, and”; and

(3) by striking subsection (d); and inserting after subsection (c) the following new subsections:
“(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Department of Homeland Security, which may be used as evidence of immigrant, non-immigrant, parole, asylee, or refugee status, shall be machine-readable, tamper-resistant, and incorporate a biometric identifier to allow the Department of Homeland Security to electronically verify the identity and status of the alien.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursements to international and domestic standards organizations.

“(2) FEE.—During any fiscal year for which appropriations sufficient to issue documents described in subsection (d) have not been made by Congress, the Secretary is authorized to implement and collect a fee sufficient to cover the direct cost of issuance of such document from the alien to whom the document will be issued.

“(3) EXCEPTION.—The fee described in paragraph (2) may not be levied against nationals of a foreign state, where the Secretary has determined that the total estimated population of such state who
are unlawfully present in the United States does not exceed 3,000 aliens.”.

SEC. 443. BIRTH CERTIFICATES.

(a) Minimum Standards for Federal Recognition.—

(1) In general.—A Federal agency may not accept, for any official purpose, a birth certificate issued by a State to any person unless the State satisfies the requirements of this section.

(2) State certifications.—The Secretary of Homeland Security shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Health and Human Services, may prescribe by regulation.

(3) Minimum document standards.—

(A) In general.—Each birth certificate issued to a person by the State shall be printed on safety paper and shall include the seal of the issuing custodian of record and such other features as the Secretary determines necessary to prevent tampering, counterfeiting, or otherwise duplicating the birth certificate for fraudulent
purposes. The Secretary may not require birth
certificates issued by all States to conform to a
single design.

(B) ELECTRONIC ISSUANCE AND TRACKING
SYSTEM.—The Secretary of Homeland Security,
in consultation with the Secretary of Health
and Human Services and the Commissioner of
Social Security, shall develop an electronic sys-
tem for issuing and tracking birth certificates
so that entities requiring such documents can
quickly confirm their validity.

(4) MINIMUM ISSUANCE STANDARDS.—

(A) IN GENERAL.—Before issuing an au-
thenticated copy of a birth certificate of any
child, a State shall require the requestor to pro-
vide, and shall verify—

(i) the name of the child that will ap-
pear on the birth certificate;

(ii) the date and location of the child’s
birth;

(iii) the maiden name of the child’s
mother; and

(iv) substantial proof of the request-
tor’s identity.
(B) Issuance to persons not named on birth certificate.—A State shall not issue a birth certificate to a requestor who is not named on the birth certificate unless the requestor presents legal authorization in support of the request.

(C) Issuance to family members.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services and appropriate State representatives, shall establish minimum standards for issuance of a birth certificate to specific family members, their authorized representatives, and others who demonstrate that the certificate is needed for the protection of the requestor’s personal or property rights.

(D) Waivers.—A State may waive the requirements set forth in subparagraphs (A) through (C) in exceptional circumstances, such as the incapacitation of the registrant.

(E) Application by electronic means.—A State shall employ third party verification, or equivalent verification, of the identity of the requestor for applications by
electronic means, through the mail, or by phone or fax.

(F) **Verification of Documents.**—A State shall verify the documents used to provide proof of identity of the requestor.

(5) **Effective Date.**—This subsection shall take effect on May 11, 2008.

(b) **Applicability of Minimum Standards to Local Governments.**—The minimum standards set forth in subsection (a) for birth certificates issued by a State shall apply to birth certificates issued by a local government in the State. It shall be the responsibility of the State to ensure that local governments in the State comply with the minimum standards.

(c) **Other Requirements.**—When issuing and administering birth certificates, each State shall—

(1) establish and implement minimum building security standards for State and local vital record offices;

(2) restrict public access to birth certificates and information gathered in the issuance process to ensure that access is restricted to entities with which the State has a binding privacy protection agreement;
(3) subject all persons with access to vital records to appropriate security clearance requirements;

(4) establish fraudulent document recognition training programs for appropriate employees engaged in the issuance process;

(5) establish and implement internal operating system standards for paper and for electronic systems;

(6) establish a central database that can provide interoperative data exchange with other States and with Federal agencies, subject to privacy restrictions and confirmation of the authority and identity of the requestor;

(7) ensure that birth and death records are matched in a comprehensive and timely manner, and that all electronic birth records and paper birth certificates of decedents are marked deceased; and

(8) cooperate with the Secretary in the implementation of electronic verification of vital events under subsection (f).

(d) Verification of Birth Records Provided in Social Security Applications.—
(1) IN GENERAL.—Section 205(c)(2)(B)(ii) of the Social Security Act (42 U.S.C. 405(c)(2)(B)(ii)) is amended—

(A) by inserting “(I)” after “(ii)”; and

(B) by adding at the end the following new subclause:

“(II) With respect to an application for a social security account number for an individual, other than for purposes of enumeration at birth, the Commissioner shall require independent verification of any birth record provided by the applicant in support of the application.”.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect and apply with respect to applications filed on or after the date that is 180 days after the date of the enactment of this Act.

(e) ELECTRONIC BIRTH AND DEATH REGISTRATION SYSTEMS.—In consultation with the Secretary of Health and Human Services and the Commissioner of Social Security, the Secretary of Homeland Security shall—

(1) work with the States to establish a common data set and common data exchange protocol for
(2) coordinate requirements for such systems to align with a national model;

(3) ensure that fraud prevention is built into the design of electronic vital registration systems in the collection of vital event data, the issuance of birth certificates, and the exchange of data among government agencies;

(4) ensure that electronic systems for issuing birth certificates, in the form of printed abstracts of birth records or digitized images, employ a common format of the certified copy, so that those requiring such documents can quickly confirm their validity;

(5) establish uniform field requirements for State birth registries;

(6) not later than six months after the date of the enactment of this Act, submit to Congress a report examining whether there is a need for Federal laws to address penalties for fraud and misuse of vital records and whether violations are sufficiently enforced;

(7) not later than one year after the date of the enactment of this Act—
(A) establish a process with the Secretary of Defense that will result in the sharing of data, with the States and the Social Security Administration, regarding deaths of United States military personnel and the birth and death of their dependents; and

(B) establish a process with the Secretary of State to improve registration, notification, and the sharing of data with the States and the Social Security Administration, regarding births and deaths of United States citizens abroad; and

(8) not later than three years after the date of the establishment of databases provided for under this section, require States to record and retain electronic records of pertinent identification information collected from requesters who are not the registrants.

(f) ELECTRONIC VERIFICATION OF VITAL EVENTS.—

(1) LEAD AGENCY.—The Secretary of Health and Human Services shall lead the implementation of electronic verification of a person’s birth and death.

(2) REGULATIONS.—In carrying out paragraph (1), such Secretary shall promulgate regulations to
establish a means by which authorized Federal and State agency users with a single interface will be able to generate an electronic query to any participating vital records jurisdiction throughout the United States to verify the contents of a paper birth certificate. Pursuant to the regulations, an electronic response from the participating vital records jurisdiction as to whether there is a birth record in the database of such jurisdiction that matches the paper birth certificate will be returned to the user, along with an indication if the matching birth record has been marked as deceased. The regulations shall take effect not later than five years after the date of the enactment of this Act.

(g) GRANTS TO STATES AND LOCAL GOVERNMENTS.—

(1) IN GENERAL.—The Secretary of Homeland Security may make grants to a State or local government to assist the State or local government to conform to the minimum standards set forth in this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to such Secretary for each of the fiscal years 2007 through
2011 such sums as may be necessary to carry out this section.

(h) Authority.—

(1) Participation with Federal Agencies.—All authority to issue regulations, certify standards, and issue grants under this section shall be carried out by the Secretary, with the concurrence of the Secretary of Health and Human Services and in consultation with State vital statistics offices and appropriate Federal agencies.

(2) Extension of Deadlines.—The Secretary may grant to a State an extension of time to meet the requirements of subsection (b)(1)(A) of this section if, in the discretion of the Secretary, the State provides adequate justification for noncompliance.

(i) Repeal.—Section 7211 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.
Subtitle F—Limitations on Illegal Alien Collection of Social Security

SEC. 451. EXCLUSION OF UNAUTHORIZED EMPLOYMENT FROM EMPLOYMENT UPON WHICH CREDIBLE WAGES MAY BE BASED.

Section 210(a)(19) of the Social Security Act (42 U.S.C. 410(a)(19)) is amended—

(1) by striking “(19) Service” and inserting the following:

“(19)(A) Service performed by an alien while employed in the United States for any period during which the alien is not authorized to be so employed.

“(B) Service”.

SEC. 452. EXCLUSION OF UNAUTHORIZED FUNCTIONS AND SERVICES FROM TRADE OR BUSINESS FROM WHICH CREDIBLABLE SELF-EMPLOYMENT INCOME MAY BE DERIVED.

Section 211(c) of the Social Security Act (42 U.S.C. 411(c)) is amended by inserting after paragraph (6) the following new paragraph:

“(7) The performance of a function or service in the United States by an alien during any period for which the alien is not authorized to perform such function or service in the United States.”.
SEC. 453. EFFECTIVE DATE.

The amendments made by this subtitle shall apply with respect to wages earned, and self-employment income derived, before, on, or after the date of the enactment of this Act. Notwithstanding section 215(f)(1) of the Social Security Act (42 U.S.C. 415(f)(1)), as soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall recompute all primary insurance amounts to the extent necessary to carry out such amendments. Such amendments shall affect benefits only for months after the date of the enactment of this Act.

SEC. 454. AUTHORIZED APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

TITLE V—PENALTIES AND ENFORCEMENT

Subtitle A—Criminal and Civil Penalties

SEC. 501. CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (i), by striking “10 years” and inserting “15 years”;
(B) in clause (ii), by striking “5 years” and inserting “10 years”; and

(C) in clause (iii), by striking “20 years” and inserting “40 years”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “one year, or both; or” and inserting “3 years, or both”; 

(B) in subparagraph (B)—

(i) in clause (i), by adding at the end the following: “be fined under title 18, United States Code, and imprisoned not less than 5 years nor more than 25 years,”;

(ii) in clause (ii), by striking “or” at the end and inserting the following: “be fined under title 18, United States Code, and imprisoned not less than 3 years not more than 20 years, or”;

(iii) in clause (iii), by adding at the end the following: “be fined under title 18, United States Code, and imprisoned not more than 15 years, or”; and
(iv) by striking the matter following clause (iii) and inserting the following new subparagraph:

“(C) in the case of a third or subsequent offense described in subparagraph (B) and for any other violation, shall be fined under title 18, United States Code, and imprisoned not less than 5 years nor more than 15 years.”;

(3) in paragraph (3)(A), by striking “5 years” and inserting “10 years”;

(4) in paragraph (3)(B), by striking “brought into” and inserting “transported, harbored, sheltered, or encouraged or induced to enter or reside in”; and

(5) in paragraph (4), by striking “10 years” and inserting “20 years”.

SEC. 502. STRENGTHENED ENFORCEMENT OF ALIEN REGISTRATION LAWS.

(a) FORMS AND PROCEDURE.—Section 264(e) of the Immigration and Nationality Act (8 U.S.C. 1304(e)) is amended—

(1) in the first sentence, by inserting “willfully” before “fails to comply”; and
(2) in the second sentence, by striking “$100” and “thirty days” and inserting “$2,000” and “18 months”.

(b) PENALTIES.—Section 266 of such Act (8 U.S.C. 1306) is amended—

(1) in subsection (a), by striking “$1,000” and “six months” and inserting “$2,000” and “18 months”;

(2) in subsection (b), by inserting “willfully” before “fails to give written notice”, and by striking “$200” and “thirty days” and inserting “$2,000” and “18 months”;

(3) in subsection (c)—

(A) by striking “be guilty of a misdemeanor and shall, upon conviction thereof,”;

and

(B) by striking “$1,000” and “six months” and inserting “$2,000” and “18 months”; and

(4) by inserting after subsection (d) the following new subsection:

“(e) AUTHORITY TO ARREST.—No officer or person shall have authority to make an arrest for a violation of any provision of this section except officers and employees so authorized under the provisions of section 287, and all
other law enforcement officers whose duty it is to enforce criminal laws, unless designated, individually or as a class, by the Secretary of Homeland Security.”.

SEC. 503. CRIMINAL AND CIVIL PENALTIES FOR ENTRY OF ALIENS AT IMPROPER TIME OR PLACE, AVOIDANCE OF EXAMINATION OR INSPECTION, UNLAWFUL PRESENCE AND MISREPRESENTATION OR CONCEALMENT OF FACTS.

Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended to read as follows:

“ENTRY AT IMPROPER TIME OR PLACE; AVOIDANCE OF EXAMINATION OR INSPECTION; UNLAWFUL PRESENCE; MISREPRESENTATION OR CONCEALMENT OF FACTS

“SEC. 275. (a) IN GENERAL.—Any alien who—

“(1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers;

“(2) eludes examination or inspection by immigration officers; or

“(3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact,

shall, for the first commission of any such offense, be fined under title 18, United States Code, or imprisoned not
more than 2 years, or both. For each subsequent unlawful
entry or attempted entry in violation of this section, an
alien shall be fined under title 18, United States Code,
or imprisoned not more than 5 years, or both.

“(b) IMPROPER TIME OR PLACE; CIVIL PEN-
ALTIES.—Any alien who is apprehended while entering (or
attempting to enter) the United States at a time or place
other than as designated by immigration officers shall be
subject to a civil penalty of—

“(1) at least $100 and not more than $10,000
for each such entry (or attempted entry); or

“(2) three times the amount specified in para-
graph (1) in the case of an alien who has been pre-
viously subject to a civil penalty under this sub-
section.

Civil penalties under this subsection are in addition to,
and not in lieu of, any criminal or other civil penalties
that may be imposed.

“(c) MARRIAGE FRAUD.—An individual who know-
ingly enters into a marriage for the purpose of evading
any provision of the immigration laws shall be fined not
more than $500,000, imprisoned not more than 10 years,
or both.

“(d) IMMIGRATION-RELATED ENTREPRENEURSHIP
FRAUD.—Any individual who knowingly established a
commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined not more than $500,000, or imprisoned not more than 10 years, or both.”.

SEC. 504. CIVIL AND CRIMINAL PENALTIES FOR ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

(a) In General.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 275 the following new section:

“CRIMINAL PENALTIES FOR UNLAWFUL PRESENCE IN THE UNITED STATES

“Sec. 275A. (a) In General.—In addition to any other violation, an alien present in the United States in violation of this Act shall be guilty of a misdemeanor and shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both. The assets of any alien present in the United States in violation of this Act shall be subject to forfeiture under title 19, United States Code.

“(b) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a violation of subsection (a) that the alien overstayed the time allotted under the alien’s visa due to an exceptional and extremely unusual hardship or physical illness that prevented the alien from leaving the United States by the required date.”.
(b) INCREASE IN CRIMINAL PENALTIES FOR ILLEGAL ENTRY.—Section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)) is amended by striking “6 months,” and inserting “1 year.”

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of any State or political subdivision therein to enforce criminal trespass laws against aliens whom a law enforcement agency has verified to be present in the United States in violation of this Act.

SEC. 505. INCREASED PENALTIES FOR REENTRY OF REMOVED ALIENS.

(a) IN GENERAL.—Subsection (a) of section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended to read as follows:

“(a) Subject to subsection (b), any alien shall be fined under title 18, United States Code, or imprisoned not more than 2 years, or both, who—

“(1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

“(2) thereafter enters, attempts to enter, or is at any time found in, the United States, unless, in the case of an alien previously denied admission and
removed, the alien establishes that the alien was not
required to obtain from the Secretary of Homeland
Security advance consent to reapply for admission
under this Act or any prior Act.”.

(b) CRIMINAL PENALTIES FOR REENTRY OF CERTAIN REMOVED ALIENS.—Subsection (b) of such section
is amended—

(1) in paragraph (3), by striking “sentence.”
and inserting “sentence;”; and

(2) in paragraph (4), by striking “(unless the
Attorney General has expressly consented to such
alien’s reentry)”.

(c) REENTRY OF ALIENS REMOVED PRIOR TO COMPLETION OF IMPRISONMENT.—Subsection (c) of such sec-
tion is amended—

(1) by inserting “(as in effect before the effective
date of the amendments made by section 305 of
the Illegal Immigration Reform and Immigrant Re-
sponsibility Act of 1996), or removed under section
241(a)(4),” after “242(h)(2)”;

(2) by striking “(unless the Attorney General
has expressly consented to such alien’s reentry)”;

(3) by inserting “or removal” after “time of de-
portation”; and
(4) by inserting “or removed” after “reentry of deported”.

(d) CHALLENGE TO VALIDITY OF ORDER.—Subsection (d) of such section is amended—

(1) in the matter before paragraph (1), by striking “deportation order” and inserting “deportation or removal order”; and

(2) in paragraph (2), by inserting “or removal” after “deportation”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to criminal proceedings involving aliens who enter, attempt to enter, or are found in the United States, after such date.

SEC. 506. CIVIL AND CRIMINAL PENALTIES FOR DOCUMENT FRAUD, BENEFIT FRAUD, AND FALSE CLAIMS OF CITIZENSHIP.

(a) CIVIL PENALTIES FOR DOCUMENT FRAUD.—Section 274C(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1324c(d)(3)) is amended—

(1) in subparagraph (A), by striking “$250 and not more than $2,000” and inserting “$500 and not more than $4,000”; and
(2) in subparagraph (B), by striking “$2,000 and not more than $5,000” and inserting “$4,000 and not more than $10,000”.

(b) FRAUD AND FALSE STATEMENTS.—Chapter 47 of title 18, United States Code, is amended—

(1) in section 1015, by striking “not more than 5 years” and inserting “not more than 10 years”; and

(2) in section 1028(b)—

(A) in paragraph (1), by striking “15 years” and inserting “20 years”; 

(B) in paragraph (2), by striking “three years” and inserting “six years”; 

(C) in paragraph (3), by striking “20 years” and inserting “25 years”; and 

(D) in paragraph (6), by striking “one year” and inserting “two years”.

c) DOCUMENT FRAUD.—Section 1546 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “not more than 25 years” and inserting “not less than 25 years”; 

(B) by inserting “and if the terrorism offense resulted in the death of any person, shall
be punished by death or imprisoned for life,”
after “section 2331 of this title),”;
(C) by striking “20 years” and inserting
“imprisoned not more than 40 years”; 
(D) by striking “10 years” and inserting
“imprisoned not more than 20 years”; and 
(E) by striking “15 years” and inserting
“imprisoned not more than 25 years”; and
(2) in subsection (b), by striking “5 years” and
inserting “10 years”.
(d) CRIMES OF VIOLENCE.— 
(1) IN GENERAL.—Title 18, United States
Code, is amended by inserting after chapter 51 the 
following:
“CHAPTER 52—ILLEGAL ALIENS
“SEC. 1131. ENHANCED PENALTIES FOR CERTAIN CRIMES
COMMITTED BY ILLEGAL ALIENS.
“(a) Any alien unlawfully present in the United
States, who commits, or conspires or attempts to commit, 
a crime of violence or a drug trafficking offense (as de-
 fined in section 924), shall be fined under this title and
sentenced to not less than 5 years in prison.
“(b) If an alien who violates subsection (a) was pre-
viously ordered removed under the Immigration and Na-
tonality Act (8 U.S.C. 1101 et seq.) on the grounds of
having committed a crime, the alien shall be sentenced to
not less than 15 years in prison.

“(c) A sentence of imprisonment imposed under this
section shall run consecutively to any other sentence of
imprisonment imposed for any other crime.”.

(2) Clerical amendment.—The table of
chapters at the beginning of part I of title 18,
United States Code, is amended by inserting after
the item relating to chapter 51 the following:

“CHAPTER 52—ILLEGAL ALIENS

“1131. Enhanced penalties for certain crimes committed by illegal aliens.”.

SEC. 507. RENDERING INADMISSIBLE AND DEPORTABLE

ALIENS PARTICIPATING IN CRIMINAL

STREET GANGS.

(a) Inadmissible.—Section 212(a)(2) of the Immig-
ration and Nationality Act (8 U.S.C. 1182(a)(2)) is
amended by adding at the end the following:

“(J) CRIMINAL STREET GANG PARTICIPA-
TION.—

“(i) In general.—Any alien is inad-
missible if—

“(I) the alien has been removed
under section 237(a)(2)(F); or

“(II) the consular officer or the
Secretary of Homeland Security
knows, or has reasonable ground to
believe that the alien—

“(aa) is a member of a
criminal street gang and has
committed, conspired, or threat-
ened to commit, or seeks to enter
the United States to engage sole-
lly, principally, or incidentally in,
a gang crime or any other unlaw-
ful activity; or

“(bb) is a member of a
criminal street gang designated
under section 219A.

“(ii) DEFINITIONS.—For purposes of
this subparagraph:

“(I) CRIMINAL STREET GANG.—
The term ‘criminal street gang’ means
an ongoing group, group, club organi-
zation or informal association of five
or more persons who engage, or have
engaged within the past 5 years in a
continuing series of 3 or more gang
crimes (one of which is a crime of vio-
ence, as defined in section 16 of title
18, United States Code).
“(II) GANG CRIME.—The term ‘gang crime’ means conduct constituting any Federal or State crime, punishable by imprisonment for one year or more, in any of the following categories:

“(aa) A crime of violence (as defined in section 16 of title 18, United States Code).

“(bb) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

“(cc) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(dd) Any conduct punishable under section 844 of title
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18, United States Code (relating to explosive materials), subsection (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of such title) or is a serious drug offense (as defined in section 924(e)(2)(A)), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 of such title (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 of such title (relating to penalties), section 930 of such title (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 of such title (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 of such title (relating to fraud and related activity in connection with identification documents or access devices), section
1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

“(ee) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of this Act.”.
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(b) DEPORTABLE.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(F) CRIMINAL STREET GANG PARTICIPATION.—

“(i) IN GENERAL.—Any alien is deportable who—

“(I) is a member of a criminal street gang and is convicted of committing, or conspiring, threatening, or attempting to commit, a gang crime; or

“(II) is determined by the Secretary of Homeland Security to be a member of a criminal street gang designated under section 219A.

“(ii) DEFINITIONS.—For purposes of this subparagraph, the terms ‘criminal street gang’ and ‘gang crime’ have the meaning given such terms in section 212(a)(2)(J)(ii).”.

(c) DESIGNATION OF CRIMINAL STREET GANGS.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:
“DESIGNATION OF CRIMINAL STREET GANGS

“Sec. 219A. (a) Designation.—

“(1) In general.—The Attorney General is authorized to designate a group or association as a criminal street gang in accordance with this subsection if the Attorney General finds that the group or association meets the criteria described in section 212(a)(2)(J)(ii)(I).

“(2) Procedure.—

“(A) Notice.—

“(i) To congressional leaders.—Seven days before making a designation under this subsection, the Attorney General shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, in writing, of the intent to designate a group or association under this subsection, together with the findings made under paragraph (1) with respect to that group.
or association, and the factual basis therefore.

“(ii) Publication in Federal Register.—The Attorney shall publish the designation in the Federal Register seven days after providing the notification under clause (i).

“(B) Effect of designation.—

“(i) A designation under this subsection shall take effect upon publication under subparagraph (A)(ii).

“(ii) Any designation under this subsection shall cease to have effect upon an Act of Congress disapproving such designation.

“(3) Record.—In making a designation under this subsection, the Attorney General shall create an administrative record.

“(4) Period of designation.—

“(A) In general.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (b).

“(B) Review of designation upon petition.—
“(i) IN GENERAL.—The Attorney General shall review the designation of a criminal street gang under the procedures set forth in clauses (iii) and (iv) if the designated gang or association files a petition for revocation within the petition period described in clause (ii).

“(ii) PETITION PERIOD.—For purposes of clause (i)—

“(I) if the designated gang or association has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

“(II) if the designated gang or association has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

“(iii) PROCEDURES.—Any criminal street gang that submits a petition for revocation under this subparagraph must pro-
vide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the gang is warranted.

“(iv) DETERMINATION.—

“(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Attorney General shall make a determination as to such revocation.

“(II) PUBLICATION OF DETERMINATION.—A determination made by the Attorney General under this clause shall be published in the Federal Register.

“(III) PROCEDURES.—Any revocation by the Attorney General shall be made in accordance with paragraph (6).

“(C) OTHER REVIEW OF DESIGNATION.—

“(i) IN GENERAL.—If in a 4-year period no review has taken place under sub-
paragraph (B), the Attorney General shall review the designation of the criminal street gang in order to determine whether such designation should be revoked pursuant to paragraph (6).

“(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Attorney General. The results of such review and the applicable procedures shall not be reviewable in any court.

“(iii) PUBLICATION OF RESULTS OF REVIEW.—The Attorney General shall publish any determination made pursuant to this subparagraph in the Federal Register.

“(5) REVOCATION BY ACT OF CONGRESS.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1).

“(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

“(A) IN GENERAL.—The Attorney General may revoke a designation made under para-
graph (1) at any time, and shall revoke a des-
ignation upon completion of a review conducted
pursuant to subparagraphs (b) and (c) of para-
graph (4) if the Attorney General finds that—

“(i) the circumstances that were the
basis for the designation have changed in
such a manner as to warrant revocation; or

“(ii) the national security of the
United States warrants a revocation.

“(B) PROCEDURE.—The procedural re-
quirements of paragraphs (2) and (3) shall
apply to a revocation under this paragraph. Any
revocation shall take effect on the date specified
in the revocation or upon publication in the
Federal Register if no effective date is specified.

“(7) EFFECT OF REVOCATION.—The revocation
of a designation under paragraph (5) or (6) shall
not affect any action or proceeding based on conduct
committed prior to the effective date of such revoca-
tion.

“(8) USE OF DESIGNATION IN HEARING.—If a
designation under this subsection has become effec-
tive under paragraph (2)(B), an alien in a removal
proceeding shall not be permitted to raise any ques-
tion concerning the validity of the issuance of such
designation as a defense or an objection at any hearing.

“(b) JUDICIAL REVIEW OF DESIGNATION.—

“(1) IN GENERAL.—Not later than 60 days after publication of the designation in the Federal Register, an group or association designated as a criminal street gang may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit.

“(2) BASIS OF REVIEW.—Review under this subsection shall be based solely upon the administrative record.

“(3) SCOPE OF REVIEW.—The court shall hold unlawful and set aside a designation the court finds to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(B) contrary to constitutional right, power, privilege, or immunity;

“(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

“(D) lacking substantial support in the administrative record taken as a whole; or
“(E) not in accord with the procedures required by law.

“(4) Judicial review invoked.—The pendency of an action for judicial review of a designation shall not affect the application of this section, unless the court issues a final order setting aside the designation.

“(c) Relevant Committee defined.—As used in this section, the term ‘relevant committees’ means the Committees on the Judiciary of the House of Representatives and of the Senate.”.

(2) Clerical amendment.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 219 the following:

“Sec. 219A. Designation of criminal street gangs.”.

SEC. 508. MANDATORY DETENTION OF SUSPECTED CRIMINAL STREET GANG MEMBERS.

(a) In general.—Section 236(e)(1)(d) of the Immigration and Nationality Act (8 U.S.C. 1226(e)(1)(d)) is amended—

(1) by inserting “or 212(a)(2)(J)” after “212(a)(3)(B)”; and

(2) by inserting “or 237(a)(2)(F)” before “237(a)(4)(B)”.

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(b) **ANNUAL REPORT.**—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the number of aliens detained under the amendments made by subsection (a).

SEC. 509. INELIGIBILITY FROM PROTECTION FROM REMOVAL AND ASYLUM.

(a) **INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.**—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting “who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) or who is” after “to an alien”.

(b) **INELIGIBILITY FOR ASYLUM.**—Section 208(b)(2)(A) of such act (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) in clause (v), by striking “or” at the end;

(2) by redesignating clause (vi) as clause (vii);

and

(3) by inserting after clause (v) the following:
“(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) (relating to participation in criminal street gangs); or”.

(c) Denial of Review of Determination of Ineligibility for Temporary Protected Status.— Section 244(e)(2) of such Act (8 U.S.C. 1254(c)(2)) is amended by adding at the end the following:

“(C) Limitation on Judicial Review.— There shall be no judicial review of any finding under subparagraph (B) that an alien is described in section 208(b)(2)(A)(vi).”.

SEC. 510. Penalties for Misusing Social Security Numbers or Filing False Information with Social Security Administration.

(a) Misuse of Social Security Numbers.—

(1) In general.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(A) in paragraph (7), by adding after subparagraph (C) the following:

“(D) with intent to deceive, discloses, sells, or transfers his own social security account number, assigned to him by the Commissioner of Social Security (in the exercise of the Commissioner’s authority under section 205(c)(2) to
establish and maintain records), to any person;

or’’;

(B) in paragraph (8), by adding ‘‘or’’ at
the end; and

(C) by inserting after paragraph (8) the
following:

“(9) without lawful authority, offers, for a fee,
to acquire for any individual, or to assist in acquir-
ing for any individual, an additional social security
account number or a number that purports to be a
social security account number;

“(10) willfully acts or fails to act so as to cause
a violation of section 205(e)(2)(C)(xii);

“(11) being an officer or employee of any exec-
utive, legislative, or judicial agency or instrumen-
tality of the Federal Government or of a State or
political subdivision thereof (or a person acting as
an agent of such an agency or instrumentality) in
possession of any individual’s social security account
number (or an officer or employee thereof or a per-
son acting as an agent thereof), willfully acts or fails
to act so as to cause a violation of clause (vi)(I),
(x), (xi), (xii), (xiii), or (xiv) of section 205(e)(2)(C);
or
“(12) being a trustee appointed in a case under title 11, United States Code (or an officer or employee thereof or a person acting as an agent thereof), willfully acts or fails to act so as to cause a violation of clause (x) or (xi) of section 205(c)(2)(C).”.

(2) EFFECTIVE DATES.—Paragraphs (7)(D) and (9) of section 208(a) of the Social Security Act, as added by paragraph (1), shall apply with respect to each violation occurring after the date of enactment of this Act. Paragraphs (10), (11), and (12) of section 208(a) of such Act, as added by paragraph (1)(C), shall apply with respect to each violation occurring on or after the effective date of this Act.

(b) REPORT ON ENFORCEMENT EFFORTS CONCERNING EMPLOYERS FILING FALSE INFORMATION RETURNS.—The Commissioner of Internal Revenue and the Commissioner of Social Security shall submit an annual report to the appropriate congressional committees on efforts taken to identify and enforce penalties against employers that file incorrect information returns.
Subtitle B—Detention, Removal and Departure

SEC. 511. VOLUNTARY DEPARTURE.

(a) IN GENERAL.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended to read as follows:

“VOLUNTARY DEPARTURE

“SEC. 240B. (a) IN LIEU OF PROCEEDINGS.—The Secretary of Homeland Security may permit an alien voluntarily to depart the United States at the alien’s own expense under this subsection, in lieu of being subject to proceedings under section 240 and in lieu of applying for another form of relief from removal, if the alien is not deportable under paragraph (2)(A)(iii) or (4)(B) of section 237(a). Permission to depart voluntarily under this subsection shall not be valid for a period exceeding 90 days and cannot be extended. The Secretary of Homeland Security shall require an alien permitted to depart voluntarily under this subsection to post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

“(b) PRIOR TO SCHEDULING MERITS HEARING.—The Secretary of Homeland Security may permit an alien voluntarily to depart the United States at the alien’s own
expense under this subsection prior to the scheduling of
the first merits hearing, in lieu of applying for another
form of relief from removal, if the alien is not deportable
under paragraph (2)(A)(iii) or (4)(B) of section 237(a).

Permission to depart voluntarily under this subsection
shall not be valid for a period exceeding 60 days and can-
not be extended. The Secretary shall require an alien per-
mitted to depart voluntarily under this subsection to post
a voluntary departure bond, in an amount necessary to
ensure that the alien will depart, to be surrendered upon
proof that the alien has departed the United States within
the time specified.

“(c) ONCE FIRST MERITS HEARING SCHEDULED.—
“(1) IN GENERAL.—Once the first merits hear-
ing has been scheduled under section 240, the Sec-
retary of Homeland Security may permit an alien
voluntarily to depart the United States at the alien’s
own expense under this subsection, in lieu of pur-
suing another form of relief from removal, if the im-
migration judge enters an order granting voluntary
departure in lieu of removal and finds that—
“(A) the alien has been physically present
in the United States for a period of at least one
year immediately preceding the date the notice
to appear was served under section 239(a);
“(B) the alien is, and has been, a person of good moral character for at least 5 years immediately preceding the alien’s application for voluntary departure;

“(C) the alien is not deportable under paragraph (2)(A)(iii) or (4)(B) of section 237(a); and

“(D) the alien has established by clear and convincing evidence that the alien has the means to depart the United States and intends to do so.

“(2) PERIOD.—Permission to depart voluntarily under this subsection shall not be valid for a period exceeding 45 days and cannot be extended.

“(3) BOND.—The Secretary of Homeland Security shall require an alien permitted to depart voluntarily under this subsection to post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

“(d) ALIENS NOT ELIGIBLE.—The Secretary of Homeland Security shall not permit an alien to depart voluntarily under this section if the alien was previously per-
mitted to depart voluntarily under section 244(e) or this section, or to voluntarily return, at any time.

“(e) Civil Penalty for Failure to Depart.—If an alien is permitted to depart voluntarily under this section and fails voluntarily to depart the United States within the time period specified, the alien shall be subject to a civil penalty of not less than $1,000 and not more than $5,000, and be ineligible for a period of 10 years for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

“(f) Additional Conditions.—The Secretary of Homeland Security may by regulation limit eligibility for voluntary departure under this section for any class or classes of aliens. No court may review any regulation issued under this subsection.

“(g) Treatment of Aliens Arriving in the United States.—In the case of an alien who is arriving in the United States and with respect to whom proceedings under section 240 are (or would otherwise be) initiated at the time of such alien’s arrival, subsections (a) through (e) shall not apply. Nothing in this paragraph shall be construed as preventing such an alien from with-
drawing the application for admission in accordance with section 235(a)(4).

“(h) REVIEW.—There shall be no administrative or judicial review of a denial of a request for an order of voluntary departure. No court or agency shall order a stay of an alien’s removal pending consideration of any claim with respect to voluntary departure. The order permitting the alien to depart voluntarily shall inform the alien that the alien has no right to appeal any issue relating to the removal proceeding.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to aliens who are in proceedings under the Immigration and Nationality Act on or after such date if those proceedings have not resulted in a final administrative order before such date.

(c) VOLUNTARY DEPARTURE AGREEMENTS NEGOTIATED BY STATE OR LOCAL COURTS.—

(1) The Secretary of Homeland Security may permit an alien voluntarily to depart the United States at the alien’s own expense under this subsection at any time prior to the scheduling of the first merits hearing, in lieu of applying for another form of relief from removal, if the alien—

(A) is deportable under section 237(a)(1),
(B) is charged in a criminal proceeding in a state or local court for which conviction would subject the alien to deportation under subsections 237(a)(2) through (a)(6), and

(C) has accepted a plea bargain in such proceeding which stipulates that the alien, after consultation with counsel in such proceeding, (i) voluntarily waives application for another form of relief from removal, (ii) consents to transportation, under custody of a law enforcement officer of the state or local court, to an appropriate international port of entry where departure from the United States will occur, (iii) possesses or will promptly obtain travel documents issued by the foreign state of which the alien is a national or legal resident, and (iv) possesses the means to purchase transportation from the port of entry to the foreign state to which the alien will depart from the United States.

(2) The Secretary shall promptly review an application for voluntary departure for compliance with the requirements of paragraph (1). The Secretary shall permit voluntary departure under this subsection unless the state or local jurisdiction is informed in writing no later that 30 days after such
application is filed, that the Secretary intends to seek removal under section 240.

SEC. 512. EXPEDITED EXCLUSION.

Section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) is amended by striking clauses (i) through (iii) and inserting the following:

“(i) IN GENERAL.—If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States, or who has not been admitted or paroled into the United States and has not been physically present in the United States continuously for the 5-year period immediately prior to the date of the determination of inadmissibility under this paragraph, is inadmissible under section 212(a)(6)(c) or 212(a)(7), the officer shall order the alien removed from the United States without further hearing or review, unless—

“(I) the alien has been charged with a crime; or

“(II) the alien indicates an intention to apply for asylum under section
208 or a fear of persecution and the
officer determines that the alien has
been physically present in the United
States for less than 1 year.

“(ii) CLAIMS FOR ASYLUM.—If an im-
migration officer determines that an alien
(other than an alien described in subpara-
graph (F)) who is arriving in the United
States, or who has not been admitted or
paroled into the United States and has not
been physically present in the United
States continuously for the 5-year period
immediately prior to the date of the deter-
mination of inadmissibility under this
paragraph, is inadmissible under section
212(a)(6)(C) or 212(a)(7), and the alien
indicates either an intention to apply for
asylum under section 208 or a fear of per-
secution, the officer shall refer the alien
for an interview by an asylum officer under
subparagraph (B) if the officer determines
that the alien has been physically present
in the United States for less than 1 year.”.
SEC. 513. EXPEDITED REMOVAL OF CRIMINAL ALIENS.

(a) IN GENERAL.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1228) is amended—

(1) by amending the section heading to read as follows: “EXPEDITED REMOVAL OF CRIMINAL ALIENS”;

(2) in subsection (a), by amending the subsection heading to read as follows: “EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES”;

(3) in subsection (b), by amending the subsection heading to read as follows: “REMOVAL OF CRIMINAL ALIENS”;

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—The Secretary may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

“(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien, whether or not admitted into the United States, was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).”;

(5) in the first subsection (c) (relating to presumption of deportability), by striking “convicted of
an aggravated felony” and inserting “described in paragraph (b)(2)”;

(6) by redesignating the second subsection (c) (relating to judicial removal) as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking “, who is deportable under this Act,”.

(b) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)(2) of such Act (8 U.S.C. 1252(f)(2)) is amended by inserting “or stay, whether temporarily or otherwise,” after “enjoin”.

SEC. 514. REINSTatement OF PREVIOUS REMOval ORDERS.

Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended to read as follows:

“(5) REINSTatement OF PREVIOUS REMOval ORDERS.—

“(A) REMOval.—The Secretary of Homeland Security shall remove an alien who is an applicant for admission (other than an admissible alien presenting himself or herself for inspection at a port of entry or an alien paroled into the United States under section 212(d)(5)), after having been, on or after September 30, 1996, excluded, deported, or re-
moved, or having departed voluntarily under an order of exclusion, deportation, or removal.

“(B) JUDICIAL REVIEW.—The removal described in subparagraph (A) shall not require any proceeding before an immigration judge, and shall be under the prior order of exclusion, deportation, or removal, which is not subject to reopening or review. The alien is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of sections 208 or 241(b)(3) or the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.”.

SEC. 515. CANCELLATION OF REMOVAL.

Section 240A(c) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)) is amended by adding at the end the following:

“(7) An alien who is inadmissible under section 212(a)(9)(B)(i).”.

SEC. 516. DETENTION OF DANGEROUS ALIENS.

(a) REMOVAL OF TERRORIST ALIENS.—
(1) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended—

(A) in section 208(b)(2)(A) (8 U.S.C. 1158(b)(2)(A)), by amending clause (v) to read as follows:

“(v) the alien is described in section 212(a)(3)(B), 212(a)(3)(F), or 237(a)(4)(B) unless, in the case only of an alien described in section 212(a)(3)(B)(i)(IV), the Secretary of Homeland Security or the Attorney General determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States; or”;

(B) in section 240A(e) (8 U.S.C. 1229b(e)), by amending paragraph (4) to read as follows:

“(4) An alien described in section 212(a)(3) or 237(a)(4).”;

(C) in section 240B(b)(1)(C) (8 U.S.C. 1229e(b)(1)(C)), by striking “deportable under” and inserting “described in”;

(D) in section 241(b)(3)(B) (8 U.S.C. 1251(b)(3)(B))—

(i) in clause (iii), by striking “or” at the end;
(ii) in clause (iv), by striking the period at the end and inserting “; or”; 

(iii) by inserting after clause (iv) the following:

“(v) the alien is described in section 212(a)(3)(B), 212(a)(3)(F), or 237(a)(4)(B), unless, in the case only of an alien described in section 212(a)(3)(B)(i)(IV), the Secretary of Homeland Security or the Attorney General determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States.”; and

(iv) by striking “For purposes of clause (iv)” and all that follows; and

(E) in section 249 (8 U.S.C. 1259)—

(i) by striking “inadmissible under section 212(a)(3)(E) or under section” and inserting “described in section 212(a)(3)(E) or”; and

(ii) in subsection (d), by striking “to citizenship and is not deportable under” and inserting “for citizenship and is not described in”.

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(2) Effective date.—The amendments made by paragraph (1) shall take effect on the date of enactment of this Act and shall apply to—

(A) all aliens subject to removal, deportation, or exclusion at any time; and

(B) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such effective date.

(b) Detention of Dangerous Aliens.—

(1) In general.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(A) by striking “Attorney General” and inserting “Secretary of Homeland Security” each place it appears;

(B) in paragraph (2), by inserting “If a court orders a stay of removal of an alien who is subject to an order of removal that is administratively final, the Secretary of Homeland Security, in the exercise of the Secretary’s discretion, may detain the alien during the pendency of such stay of removal, before the beginning of the removal period, as provided in paragraph (1)(B)(ii).” after “detain the alien.”; and
(C) in paragraph (6), by striking “removal period and, if released,” and inserting “removal period, in the discretion of the Secretary, without any limitations other than those specified by the Secretary of Homeland Security by regulation, until the alien is released, the alien”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect upon the date of enactment of this Act, and shall apply to cases in which the final administrative removal order was issued before, on, or after such date.

SEC. 517. ALTERNATIVES TO DETENTION.

The Secretary of Homeland Security shall implement pilot programs in six States with the largest estimated populations of deportable aliens to study the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders.

SEC. 518. RELEASE OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

(a) MINIMUM BOND.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended—
(1) by striking “on”;
(2) in subparagraph (a)—
(A) by inserting “except as provided under
subparagraph (B), upon the giving of a” before
“bond”; and
(B) by striking “or” at the end;
(3) by redesignating subparagraph (B) as sub-
paragraph (C); and
(4) by inserting after subparagraph (A) the fol-
lowing:
“(B) if the alien is a national of a non-
contiguous country, has not been admitted or
paroled into the United States, and was appre-
hended within 100 miles of the international
border of the United States or presents a flight
risk, as determined by the Secretary of Home-
land Security, upon the giving of a bond of at
least $5,000 with security approved by, and
containing conditions prescribed by, the Sec-
retary of Homeland Security or the Attorney
General; or”.
(b) REPORT.—Two years after the effective date of
this Act, the Secretary of Homeland Security shall submit
a report to Congress on the number of aliens from non-
contiguous countries who are apprehended between land
border ports of entry.

SEC. 519. CONTINUANCES; CHANGES OF VENUE.

(a) In General.—Section 240(b)(1) of the Immi-
grantion and Nationality Act (8 U.S.C. 1229a(b)(1)) is
amended by adding at the end the following:

“The immigration judge may not grant a continuance to
permit an alien to become eligible for relief under any pro-
vision of law. In proceedings under this section or under
section 236, the immigration judge may not grant a
change of venue for an alien who has not been inspected
and admitted or paroled into the United States. For all
other aliens, the immigration judge may grant a change
of venue only if the alien demonstrates that the alien can-
not obtain a fair proceeding in the current venue.”.

(b) Effective Date.—The amendment made by
subsection (a) shall take effect on the date of the enact-
ment of this Act and shall apply to continuances and
changes of venue sought after such date.

SEC. 520. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be ap-
propriated, there are authorized to be appropriated such
sums as may be necessary for each of fiscal years 2007
through 2011 to carry out this title.

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